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IN THE SUPREME COURT OF THE STATE OF NEVADA

CORY DEALVONE HUBBARD,)	
)	Case No.: 66185
Appellant,)	District Court No.: C-13-292507-1
)	
vs.)	<u>REQUEST FOR ADDITIONAL</u>
)	<u>TIME TO FILE APPELLANT'S</u>
THE STATE OF NEVADA,)	<u>OPENING BRIEF AND</u>
)	<u>APPENDIX</u>
Respondent.)	
_____)	(Third Request)

COMES NOW Appellant, CORY DEALVONE HUBBARD, by and through his attorney of record, BRENT D. PERCIVAL, ESQ., of the law office of Brent D. Percival, Esq. P.C. and hereby respectfully submits the present Request for Additional Time to File Appellant's Opening Brief and Appendix in the above-captioned matter.

Mr. HUBBARD's opening brief and appendix are presently due to be filed on June 29, 2015.

This pleading requests an additional twenty-five day of time to file the opening brief and appendix. If this Honorable Court grants this request, Mr. HUBBARD's brief and appendix will be due to be filed on or before July 24, 2015.

This Request for additional time is made and based upon the entirety of the pleadings and papers presently on file herein and upon the declaration of Brent D. Percival, Esq. which is attached to this Request.

DATED this 29th day June, 2015.

Respectfully Submitted,

/s/ Brent D. Percival
BRENT D. PERCIVAL, ESQ.
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Counsel for Appellant:
CORY DEALVONE HUBBARD

**DECLARATION OF BRENT D. PERCIVAL IN SUPPORT OF REQUEST
FOR ADDITIONAL TIME TO FILE OPENING BRIEF AND APPENDIX**

BRENT D. PERCIVAL, knowing the penalties for perjury, does state the following under penalty of perjury:

1. I am attorney licensed to practice in the state of Nevada, before the U.S. District Courts in and for the States of Nevada and Kansas. I have been so licensed within the State of Nevada since approximately November 18, 1988.

2. I was appointed to represent Defendant/Appellant CORY DEALVONE HUBBARD in the Justice Court for the Township of Nevada. After the state sought and obtained an indictment charging Mr. HUBBARD with committing twelve crimes, I continued to represent Mr. HUBBARD during the litigation in the Eighth Judicial District Court.

3. This is an appeal following eighteen pretrial hearings and a six day trial. After the conclusion of trial evidence presentation, Mr. HUBBARD was convicted of committing eleven crimes: conspiracy to commit robbery, burglary, seven counts of robbery with use of a deadly weapon, assault, and discharging a firearm within a structure.

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4. On June 26, 2014, the district court found that Mr. HUBBARD was a habitual criminal and sentence him to life without possibility of parole on ten of the counts of conviction. The district court sentenced Mr. HUBBARD to credit for time served for the assault conviction. The district court ordered all sentences to run concurrent to each other. Mr. HUBBARD was granted three hundred eight days of credit for time served.

5. A timely notice of appeal was filed and requests for transcripts were also filed. Unfortunately, as counsel has found in other appeals, one court reporter - Dana Tavaglione - who was present during the argument on the state's motion to admit other bad acts, the calendar call and five days of trial and a second court reporter - Robert Cangemi - who was present for six pretrial hearings and the remaining day of trial apparently believed their duty to deliver requested transcripts, pursuant to NRAP 9(b)(1)(a)(ii), was fulfilled by simply efilng the noted transcripts with the clerk of the Eighth Judicial District Court.

6. Unbeknownst to me, Ms. Tavalglione's transcripts were efiled on December 10, 2014 and Mr. Cangemi's transcripts were efiled on January 21, 2015.

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Therefore, when the first motion for additional time was filed with this Court, the transcripts for the entirety of Mr. HUBBARD's six days of trial and nine of eighteen pretrial hearings were efiled solely with the district court by January 21, 2015.

7. I did not receive copies of Mr. Cangemi's transcripts until February 20, 2014.

8. Additionally, the final court reporter - Bill Nelson - did not efile the transcripts for the remaining nine pretrial hearings until March 25, 2015. On this date, I received copies of Mr Nelson's transcripts.

9. Given these facts, I did not have all of the requested transcripts until March 25, 2015. At that point in time, it was almost one year since Mr. HUBBARD's trial and over one year since the vast majority of the pretrial hearings were conducted. While I was trial counsel during Mr. HUBBARD's litigation, given the passage of time, I was required to review all of the requested transcripts in order to reacquaint myself with the facts underlying the case.

10. The transcripts of the eighteen pretrial hearings are one hundred fifty eight pages in length. The transcripts of the six day trial are one thousand three hundred forty-five pages in length.

The sentencing transcript is nineteen pages in length. The entire transcript record underlying the present appeal is, therefore, one thousand five hundred twenty-two pages.

11. In order to be able to identify appellate issues, I review transcripts in chronological order. Based upon the date I finally had all of the transcripts in my possession and my other duties to this Court and the Eighth Judicial District Court, I was unable to complete my initial review of the one thousand five hundred twenty-two pages of transcripts within the approximately sixty days they were in my possession.

12. Therefore, I was required to file a second request for additional time to file Mr. HUBBARD's opening brief and appendix.

13. As of the filing of this pleading, I have completed both my initial and second review of one thousand five hundred twenty-two pages of transcripts. I have completed research regarding the admission of other bad act evidence, the admission of hearsay which violates the confrontation clause of the United States Constitution and the sufficiency of evidence.

14. Additionally, I have appropriately formatted copies of all of the district court pleadings and transcripts that will be submitted as part of Mr. HUBBARD's appendix.

Further, I have prepared a rough draft of the opening brief.

15. Unfortunately as of the filing of this pleading, I require additional time to review and edit the rough draft of the opening brief. Further, I require additional time to determine whether to raise/include a sufficiency of the evidence challenge to some of the seven counts of robbery with use of a deadly weapon. Completion of these tasks will be time consuming.

16. I also must compile the appendix which includes bate stamping all of the relevant documents. Because the appendix' relevant documents have not been bate stamped, I require more time to update the record citations contained in the draft opening brief so that the brief complies with NRAP Rule 28(e). Finally, I require additional time to format the finalized opening brief so that it complies with all of the appellate rules. Completion of all of these tasks is extremely time consuming.

17. Additionally, I require additional time so that I may provide effective assistance of counsel to Mr. HUBBARD as required by the Sixth Amendment during the present appeal. Mr. HUBBARD filed two separate motions, in the Eighth Judicial District Court, to have me removed as counsel. The district court denied these motions.

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On November 14, 2014, Mr. HUBBARD submitted a proper person document to this Court stating that he had not authorized me to file any pleadings other than a notice of appeal in the present appeal.

18. Since this Court's May 15, 2015 order, I have been diligently completing the tasks associated with the filing of Mr. HUBBARD's opening brief and appendix. Nonetheless, I have been unable to finalize all of the tasks required to file Mr. HUBBARD's opening brief and appendix. Based upon all of the above noted facts, I respectfully request this Honorable Court grant me an additional twenty five days to file the opening brief and appeal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 29th day of June, 2015, at Las Vegas, Nevada.

/s/ Brent D. Percival
Brent D. Percival

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 29th day of June, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Chief Deputy District Attorney Steven Owens

Attorney General Adam Laxalt

Brent D. Percival

/s/ Brent D. Percival
Brent D. Percival
Counsel for Appellant:
CORY DEALVONE HUBBARD