

BRENT D. PERCIVAL, ESQ.
Nevada Bar # 3656
BRENT D. PERCIVAL, ESQ. P.C.
630 South Third Street
Las Vegas, Nevada 89101
(702) 868-5650
Counsel for Appellant:
CORY DEALVONE HUBBARD

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Tracie K. Lindeman
Clerk of Supreme Court

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>MOTION TO LATE FILE</u>
)	<u>APPELLANT'S OPENING BRIEF</u>
THE STATE OF NEVADA,)	<u>BY ONE HOUR AND SEVEN</u>
)	<u>MINUTES</u>
Respondent.)	
_____)	

COMES NOW Brent D. Percival, counsel for Appellant, CORY DEALVONE HUBBARD, respectfully this Honorable Court enter an order, N.R.A.P. 26(b), permitting Mr. Hubbard's Opening Brief to be filed one hour and seven minutes late. The opening brief was due to be filed on July 24 2015. The opening brief was submitted for efileing on July 25, 2015 at 1:07 a.m.

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This motion is based upon the fact that the seven volumes of the Appendix, which was timely filed on July 24, 2015, was in final format with the pages of the volumes bates stamped until July 22, 2015. Based upon this fact, undersigned counsel used the date of the trial transcript and the page number from that transcript as the record citation when he was preparing the final draft of Mr. Hubbard's opening brief.

On July 24, 2015 at 4:30 p.m., undersigned counsel began the final formatting of the opening brief as required by the Nevada Rules of Appellate Procedure. Counsel believed that the process of changing the transcript citation to the appendix volume and page number should would take several hours and planned to file the opening brief in a timely manner ie before midnight. Unfortunately, as counsel began to update the transcript citations, he realized that he had inadvertently misdated the vast majority of the transcript citations. For explain, counsel found that he had cited the April 16, 2014 transcript when the testimony was actually adduced on April 15, 2014. Based upon this fact, undersigned counsel was required to completely redo the appendix record citations which took far more time than counsel had anticipated.

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Based upon the forgoing, counsel was not able to finalize all of the formatting tasks required to file Mr. Hubbard's brief until 1:07 a.m.. On July 25, 2015. Therefore, it is respectfully requested that this Honorable Court enter an order permitting the late filing of Mr. Hubbard's opening brief which was submitted for e-filing one hour and seven minutes after the expiration of the due date.

DATED this 25th day July, 2015.

Respectfully Submitted,

/s/ Brent D. Percival
BRENT D. PERCIVAL, ESQ.
Nevada Bar # 3656
630 South Third Street
Las Vegas, Nevada 89101
(702) 868-5650
Counsel for Appellant:
CORY DEALVONE HUBBARD

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 25th day of July, 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