

IN THE SUPREME COURT OF THE STATE OF NEVADA

CORY DEALVONE HUBBARD,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Jan 25 2018 12:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 66185

MOTION TO RESCHEDULE ORAL ARGUMENT

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, CHARLES W. THOMAN, and files this Motion to Reschedule Oral Argument. This motion is filed pursuant to NRAP Rule 27 and 34(a) and is based on the following memorandum and all papers and pleadings on file herein.

Dated this 25th day of January, 2018.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Charles W. Thoman*

CHARLES W. THOMAN
Deputy District Attorney
Nevada Bar #12649
Office of the Clark County District Attorney
200 Lewis Avenue
Post Office Box 552212
Las Vegas, Nevada 89155-2212
(702) 671-2750

DECLARATION

I, CHARLES THOMAN, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

On or about January 22, 2018, the State received Reminder Notice of Argument Setting in Cory Hubbard v. The State of Nevada, Supreme Court Case Number, 66185. It is unclear if the original Notice was received. Said Reminder advised that this case has been scheduled for oral argument on February 5, 2018, at 1:30 p.m. in Las Vegas before this Court sitting En Banc.

Upon receiving said Reminder, the Appellate Division of the Clark County District Attorney's Office notified the deputy district attorneys who prosecuted the case at trial of the oral argument setting. As a matter of office policy, the Clark County District Attorney's Office has the deputy who prosecuted the case at trial appear before the Court for oral argument whenever possible. The trial prosecutor is the most knowledgeable about the case, having done all the pretrial preparation, presented the case to the jury and having participated in all meetings and conferences at the bench and in chambers. The trial prosecutor is in the best position to articulate the State's position on the appellate issues, as well as answer the Court's questions during oral argument.

Upon being advised of the oral argument date, trial counsel indicated their unavailability. Chief Deputy District Attorneys Elizabeth Mercer and Kristina

Rhoades have been set for trials to commence likely through the date of the oral argument. As a result, I have offered to handle the oral argument. Upon review, the record is voluminous in this matter, and will likely require more than the short period of time between now and February 5, 2018, to prepare.

I contacted attorneys Brent Percival and Patricia Erickson, who represent Appellant in this matter, and they do not oppose a brief continuance.

In order to allow the necessary preparation for oral argument, Respondent respectfully moves this Court to reschedule the oral argument to the next regularly scheduled oral argument calendar after February 22, 2018.

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

Dated this 25th day of January, 2018.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Charles W. Thoman*

CHARLES W. THOMAN
Deputy District Attorney
Nevada Bar #012649
Office of the Clark County District Attorney
Regional Justice Center
200 Lewis Avenue
Post Office Box 552212
Las Vegas, Nevada 89155
(702) 671-2750

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 25, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

BRET D. PERCOVAL, ESQ.
PATRICIA M. ERICKSON, ESQ.
Counsel for Appellant

CHARLES W. THOMAN
Deputy District Attorney

BY /s/ J. Garcia
Employee, District Attorney's Office

CWT//jg