

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 _____
3
4 JOHN DEMON MORGAN,)
5)
6 Appellant,)
7)
8 vs.)
9)
10 THE STATE OF NEVADA,)
11)
12 Respondent.)
13 _____

Electronically Filed
Feb 06 2017 04:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 70424

14 **APPELLANT'S MOTION FOR ONE DAY**
15 **EXTENSION OF TIME**

16 Comes Now Appellant JOHN DEMON MORGAN, by and through
17 Deputy Public Defender SHARON G. DICKINSON, and moves for an extension
18 of time of one business day, from Monday, February 6, 2017, through and
19 including Tuesday, February 7, 2017, to file the Opening Brief in this case. The
20 grounds for this request are described in the attached Declaration.

21 DATED this 6th day of February, 2017.

22 PHILIP J. KOHN
23 CLARK COUNTY PUBLIC DEFENDER

24
25
26 By /s/ Sharon G. Dickinson
27 SHARON G. DICKINSON, #3710
28 Deputy Public Defender
309 So. Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685

1 **DECLARATION OF SHARON G. DICKINSON**

2 1. I am an attorney licensed to practice law in the State of Nevada; I am a
3 deputy public defender assigned to handle the appeal of this matter; I am familiar
4 with the procedural history of this case.
5

6 2. John Morgan filed a Notice of Appeal in this matter on 05/17/16. At
7 the time of the filing of the notice, this case was governed by the provisions of
8 NRAP 3C, which required Appellant to file a Fast Track Statement. On
9 09/29/16, Court granted full briefing making the Opening Brief due on
10 10/31/16. Thereafter, Morgan asked for several continuances due to missing
11 portions of the transcript, with the last continuance being requested on 01/27/17.
12 The Opening Brief is due today.
13
14

15 3. As noted in the last request, on or about 12/12/16, I finally obtained
16 the final missing portions of the transcripts and our clerk placed the additional
17 transcripts in the appendix within the last two weeks. Also, on 01/27/17, I
18 received a copy of the competency evaluations which I have since reviewed and
19 incorporated appropriate argument within the brief.
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23 4. On 01/27/17, I requested a 10 day extension making the Opening Brief
24 due today. At the time of the request, I thought the prosecutor in this case
25 would stipulate to the list of jurors and the jury chart to be officially made a
26 court exhibit. She pondered the thought, spoke to the D.A. Appellate division,
27 and on 01/30/17 she refused to stipulate. As of yet, I have not had time to file
28

1 the motion with the district court to make the documents a court exhibit rather
2 than documents filed on the left side of the file. However, I have found a way
3
4 to work around the problem and will be adding these documents after filing the
5 Opening Brief. Unfortunately, it is taking me longer to work on the jury issues
6 than I anticipated due in part because the court recorder did not transcribe the
7 list of jurors either. Nonetheless, I believe I can finalize the Opening Brief and
8 file it tomorrow.
9

10
11 5. Another reason for a one day extension is because I also needed to
12 complete and file a Petition for En Banc Reconsideration today in case no.
13 68865, Wilson v. State.
14

15 6. According, I am asking for an extension of 1 day to prepare and file the
16 Opening Brief in this case.
17

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

19 EXECUTED on the 6th day of February, 2017.
20
21

22 /s/ Sharon G. Dickinson
23 SHARON G. DICKINSON
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1 CERTIFICATE OF SERVICE

2 I hereby certify that this document was filed electronically with the
3
4 Nevada Supreme Court on the 6th day of February, 2017. Electronic Service of the
5 foregoing document shall be made in accordance with the Master Service List as
6
7 follows:

8 ADAM LAXALT
9 STEVEN S. OWENS

SHARON G. DICKINSON
HOWARD S. BROOKS

10 I further certify that I served a copy of this document by mailing a
11 true and correct copy thereof, postage pre-paid, addressed to:

12
13 JOHN DEMON MORGAN
14 NDOC No. 1158013
15 c/o High Desert State Prison
16 P.O. Box 650
Indian Springs, NV 89070

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19 BY /s/ Carrie M. Connolly
20 Employee, Clark County Public
21 Defender's Office
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