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DVONTAE RICHARD

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Elizabeth A. Brown  
Clerk of Supreme Court

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

DVONTAE RICHARD,	)	
	)	Case No.: 70542
Appellant,	)	
	)	MOTION FOR ADDITIONAL
vs.	)	TIME TO FILE OPENING
	)	BRIEF AND APPENDIX
THE STATE OF NEVADA,	)	
	)	(Second Request)
Respondent.	)	
_____	)	

COMES NOW Appellant, DVONTAE RICHARD, 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 requests this Honorable Court enter an order, pursuant to NRAP 26(b), extending the time within which to file Appellant's Opening Brief and Appendix .

Mr. RICHARD's opening brief and appendix are presently due to be filed on November 14, 2016.

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This pleading requests an additional ten (10) days of time to file the opening brief and appendix. If this Honorable Court grants this request, Mr. RICHARD's brief and appendix will be due to be filed on or before November 30, 2016.

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 13<sup>th</sup> day November, 2016.

Respectfully Submitted,

/s/ Brent D. Percival  
BRENT D. PERCIVAL, ESQ.  
Nevada Bar # 3656  
630 South Third Street  
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Counsel for Appellant:  
DVONTAE RICHARD

**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 DVONTAE RICHARD in the Eighth Judicial District Court.

3. This is an appeal following a five day trial. After the conclusion of trial evidence presentation, Mr. RICHARD was convicted of committing ten (10) crimes: 2 counts of conspiracy to commit robbery, burglary while in possession of a firearm, grand larceny of firearm, grand larceny, robbery with use of a deadly weapon, battery with intent to commit a crime, and ownership or possession of firearm by prohibited person.

4. On May 25, 2016, the district court imposed sentences on the ten convictions which resulted in an aggregate minimum of sixteen (16) years and an aggregate maximum of sixty-one (61) years of incarceration in the Nevada Department of Corrections.

5. A primary issue to be litigated during this appeal involves Mr. RICHARD's right to Miranda warnings which insure that the Fifth Amendment right against compulsory self-incrimination is protected. Additionally, this appeal will litigate whether Mr. RICHARD's right to due process, as protected by the Fourteenth Amendment, was violated because the statements Mr. RICHARD gave were involuntary.

6. Additional time is necessary to finalize research on these issues. The violation of Miranda and a challenge to the voluntariness of an in-custody statement are litigated almost daily in state and federal appellate courts. Therefore, it has been very difficult and time consuming to complete Westlaw research on these issues.

7. Since the last motion for additional time, I have been completing the tasks associated with the filing of Mr. RICHARD's opening brief and appendix. Unfortunately, the research underlying the primary issue of the appeal has not been completed.

Based upon all of the above noted facts, I respectfully request this Honorable Court grant me an additional ten (10) days to file the opening brief and appeal.

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

Executed on this 13<sup>th</sup> day of November, 2016, 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 13<sup>th</sup> day of November, 2016. 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:  
DVONTAE RICHARD