

BRENT D. PERCIVAL, ESQ.
Nevada Bar # 3656
630 South Third Street
Las Vegas, Nevada 89101
(702) 868-5650
Counsel for Appellant:
DVONTAE RICHARD

Electronically Filed
Dec 01 2016 09:15 a.m.
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,)	
)	(Third 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 30, 2016.

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This pleading requests an additional five (5) 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 December 7, 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 30th day November, 2016.

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:
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. The primary issue raised in this appeal challenges the district court's determination that Mr. RICHARD: (1) was informed of his Miranda rights prior to being questioned by Las Vegas Metropolitan Police officers; and, (2) that the custodial interrogations were involuntary.

6. While finalizing the four (4) volume Appendix, I realized that copies of Mr. RICHARD's two (2) statements were not part of the record. I ordered copies of the statements from the District Court evidence vault which were obtained today.

7. Addition of these exhibits required re-pagination of the appendix and re-division of the four (4) volumes of the appendix.

8. Addition of these exhibits to the appendix required an update of all of the citations to the record in the opening brief.

I have not been able to complete the update of all of the citations to the record and I respectfully request this Honorable Court grant me an additional five (5) days to file the opening brief and appeal.

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

Executed on this 30th 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 30th 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