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DVONTAE RICHARD

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Elizabeth A. Brown  
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**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,	)	
	)	(Fourth 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 December 7, 2016.

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This pleading requests an additional twenty (20) 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 January 4, 2017.

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 7<sup>th</sup> day December, 2016.

Respectfully Submitted,

/s/ Brent D. Percival  
BRENT D. PERCIVAL, ESQ.  
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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. Mr. RICHARD was convicted of committing ten (10) crimes and sentenced to an aggregate minimum of sixteen (16) years and an aggregate maximum of sixty-one (61) years of incarceration in the Nevada Department of Corrections.

4. Subsequent to the November 30, 2016 request for additional time, while finalizing the Appendix to be submitted in this case, I recognized an important appellate issue existed which had not been developed in the opening brief that I was prepared to file.

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5. The issue is based upon the prosecutor's ethical duty of candor to the tribunal. While this might seem to be an issue that could easily and quickly be briefed, this is a general issue not subject to easy delineation for a Westlaw search.

6. I have not been able to complete the research underlying this issue.

In order to provide effective assistance of counsel in this appeal, I must request additional time to finalize the research and preparation of this additional issue. While I anticipate that this work will be completed within the next week, I respectfully request this Honorable Court grant me an additional twenty (20) days to file the opening brief and appendix so that no further extensions of time will be necessary.

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

Executed on this 7<sup>th</sup> day of December, 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 7<sup>th</sup> day of December, 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