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Nevada Bar #3656  
**BRENT D. PERCIVAL, ESQ. P.C.**  
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Counsel for Appellant:  
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,	)	
	)	<u>AMENDED</u> MOTION FOR
vs.	)	ADDITIONAL TIME TO FILE
	)	OPENING BRIEF AND
THE STATE OF NEVADA,	)	APPENDIX
	)	
Respondent.	)	(Fifth Request)
_____	)	

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 were due to be filed on January 4, 2017. A motion requesting an additional five (5) days was filed on

January 4, 2017 which was based upon the formatting issues associated with preparing an appendix to efile. By this motion, it is requested that the Court permit an additional three (3) days to file the opening brief and appendix. Thus, by the original January 4<sup>th</sup> motion and the present motion, Mr. RICHARD is requesting a total of an additional eight (8) days within which to file the opening brief and appendix. If this Honorable Court grants these requests, Mr. RICHARD's brief and appendix will be due to be filed on or before January 16, 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 11<sup>th</sup> day January, 2017.

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. 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. As stated in the January 4, 2017 motion, I determined to efile the appendix in the case at bar but ran into significant problems regarding organization and pagination of the documents. As of today's date, Mr. RICHARD's appendix has been completely redone ten (10) different times.

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While Mr. RICHARD's appendix finally conforms to this Court's rules applicable to an appendix, the appropriate citations to the appendix must be added to the opening brief. I am afraid that this will not be completed today and therefore file this motion requesting permission to file the opening brief and appendix on or before January 16, 2017.

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

Executed on this 11<sup>th</sup> day of January, 2017, 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 11<sup>th</sup> day of January, 2017. 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