

BRENT D. PERCIVAL, ESQ.  
Nevada Bar #3656  
**BRENT D. PERCIVAL, ESQ. P.C.**  
1148 S. Maryland Pkwy  
Las Vegas, Nevada 89104  
(702) 868-5650  
Counsel for Appellant:  
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,	)	<b>SUPPLEMENT TO</b>
	)	MOTION FOR ADDITIONAL
vs.	)	TIME TO FILE THE OPENING
	)	BRIEF BY THREE DAYS
THE STATE OF NEVADA,	)	
	)	(Eighth 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 by three (3) days.

As noted in the initial March 6, 2017 Motion for Additional Time to File Mr. RICHARD's opening brief, the pleading was due to be filed on March 6,

2017. If this Court grants the present request, Mr. RICHARD's opening brief will be filed on March 9, 2017.<sup>1</sup>

It is submitted that the facts, which are contained in the following Declaration, establish a "showing of extraordinary circumstances and extreme need."

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 March, 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

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<sup>1</sup> Mr. RICHARD's appendix was submitted for e-filing on March 6, 2017.

**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. On January 26, 2017, court recorder Judy Chappell filed a Supplement to the February 24, 2016 trial day which had not been transcribed in the transcript filed on July 27, 2016.

5. After review of the supplemental transcript, further research regarding the voluntariness of a confession was conducted and added to the existing opening brief.

6. Because Mr. Richard's appendix had to be reorganized for the fifth time, most of the record citations were inaccurate in the previously finalized opening brief.

7. As noted in the initial March 6<sup>th</sup> motion for additional time, one more day was required in order to verify that all of the record citations in the opening brief are accurate as is required by NRAP 28(e)(1). Further, it was noted that one more day is required so that the certificate of compliance will be accurate.

8. On this date, while finalizing the record citations in the final draft of Mr. RICHARD's opening brief and based upon the fact that three different versions of the opening brief existed, the entirety of the Sixth Amendment confrontation clause argument which took over ten hours to finalized was lost.

9. It appears that while copying and moving different parts of the various versions of the brief, the Sixth Amendment issue was over written by the separate hearsay issue which relies upon all of the facts enunciated in the Sixth Amendment issue.

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10. After searching all of the various versions of Mr. RICHARD's brief and all of the research sections underlying the three separate issues which made up Mr. RICHARD's opening brief, the Sixth Amendment issue will have to be completely rewritten.

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

Executed on this 7<sup>th</sup> day of March, 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 6<sup>th</sup> day of March, 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