

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

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ALFRED C. HARVEY,	)	
	)	
Appellant,	)	Electronically Filed
	)	Nov 16 2017 08:33 a.m.
vs.	)	Elizabeth A. Brown
	)	Clerk of Supreme Court
	)	Case No. 72829
THE STATE OF NEVADA,	)	
	)	
Respondent.	)	
	)	

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**APPELLANT’S MOTION FOR EXTENSION OF TIME**

Comes Now Appellant ALFRED C. HARVEY, by and through Deputy Public Defender SHARON G. DICKINSON, and moves for a forty-eight (48) day extension of time from Wednesday, November 15, 2017, through and including Tuesday, January 2, 2017, within which to file the Opening Brief in this case. This Motion is based upon the attached Declaration of counsel and Attorney Treffinger’s Request for a forty-five (45) day continuance.

DATED this 15 day of November, 2017.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER  
By /s/ Sharon G. Dickinson  
SHARON G. DICKINSON, #3710  
Deputy Public Defender  
309 So. Third Street, Suite #226  
Las Vegas, Nevada 89155-2610

## **DECLARATION OF SHARON G. DICKINSON**

1. I am an attorney licensed to practice law in the State of Nevada; I am a deputy public defender assigned to handle the appeal of this matter; I am familiar with the procedural history of this case.

2. Our office filed the Notice of Appeal in this matter on April 17, 2017. The Opening Brief was due on October 16, 2017. However, we obtained a continuance by way of stipulation making the brief due today, November 15, 2017. I am seeking a continuance today based on the following facts.

3. Within the last few hours I received notice from this Court regarding Mr. Harvey request to change counsel. The notice was prepared by Attorney Timothy Treffinger, Esq., Bar #12877, and signed by Mr. Harvey. Prior to receiving the filed notice from this Court, I had no indication from Mr. Harvey that he wanted to hire another attorney. The signature on this notice that purports to be mine is not. Apparently, a clerk in our main office signed off on the document today with a stamped signature and never notified me.

4. Attorney Treffinger's Motion to substitute in as an attorney uses NRAP 46(a)(2) as the basis for his substitution. However, NRAP

46(d)(2) is the rule for substituting new counsel in a criminal case from a different firm. NRAP 46 (d)(2) states:

(2) **Substitution.** A substitution or change of counsel may be effected by serving and filing a substitution in the Supreme Court or Court of Appeals, signed by the affected attorneys and the client or, in lieu of the client's signature, an affidavit of counsel stating that the client has been informed of and consents to the substitution. The Supreme Court or Court of Appeals may disapprove a substitution that does not have the necessary signatures or affidavit.

Because Attorney Treffinger's notice does not contain a signature from the District Attorney's Office, I am unsure if this Court will require him to obtain that signature before granting substitution. Accordingly, I am filing this request for an extension because under NRAP 46 (d)(2), it appears that I remain as attorney of record until this Court issues an order.

5. Although I am almost finished completing the Opening Brief, I was in the middle of conducting an investigation regarding an exhibit I found in the court documents when I received the notice. In view of Mr. Harvey's apparent desire to be represented by someone else, I have stopped working on his case and stopped further investigation until I receive direction from this Court.

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6. This Motion for Extension is made in good faith and not for the purpose of delay.

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

EXECUTED on the 15 day of November, 2017.

By: /s/ Sharon G. Dickinson  
SHARON G. DICKINSON

## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 15 day of November, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT  
STEVEN S. OWENS

SHARON G. DICKINSON  
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

ALFRED HARVEY  
NDOC No.  
c/o High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89018

BY s/ Carrie M. Connolly  
Employee, Clark County Public  
Defender's Office