

1 NICHOLAS M. WOOLDRIDGE
2 Nevada State Bar No. 8732
3 WOOLDRIDGE LAW, LTD.
4 400 South 7th Street, 4th Floor
5 Las Vegas, NV 89101
6 Telephone: (702) 330-4645
7 nicholas@wooldridgelawlv.com
8 Attorney for Javar Eris Ketchum

Electronically Filed
Jun 27 2018 04:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 **IN THE SUPREME COURT**
8 **OF THE STATE OF NEVADA**
9

10 JAVAR ERIS KETCHUM,
11 *Appellant,*

12 vs.

13 STATE OF NEVADA,
14 *Appellee,*
15

Supreme Court No. 75097

District Court Case No. C319714

APPELLANT'S SECOND
MOTION TO EXTEND TIME
FOR FILING OPENING BRIEF

17
18 COMES NOW, Appellant Javar Eris Ketchum, by and through his
19 undersigned counsel, and pursuant to NRAP 27 and 31(b)(3), and respectfully
20 requests an extension of time to file his Opening Brief. The Opening Brief is
21 currently due on June 27, 2018. A fourteen day (14) telephonic extension was
22 previously granted. Through this motion, Appellant requests up to and including July
23 27, 2018 in which to file his Opening Brief.
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

A. FACTS

Mr. Ketchum was convicted of one count of murder with a deadly weapon and one count of robbery with use of a deadly weapon on May 26, 2017. Mr. Ketchum was sentenced on February 5, 2018. Mr. Ketchum filed a timely appeal of the district court's judgment on February 6, 2018. While preparing the Opening Brief, counsel realized that the transcripts for the parties' opening statements was not prepared. Undersigned counsel filed a Motion with the district court, which was subsequently granted. The transcripts were prepared and filed with the district court on April 26, 2018. Counsel was not informed of the preparation of the transcript until May 2, 2018. Since receipt of the transcripts, counsel has had to prepare for trial and sentencing hearings in various in unrelated cases. While extension of time for calendar conflicts and press of business are not favored by the Court, the delay in transcripts and the pendency of a Motion for Appointment of Counsel with the District Court, which is pending consideration, establish good cause to grant the instant motion. This is a complex case involving a voluminous record and requires a complete review of the record prior to preparation of the Opening Brief. There is no risk of prejudice to the State of Nevada or to the Client from granting of this motion.

1
2 **B. APPLICABLE LAW**

3 NRAP 27 and NRAP 31(b)(3) permits a party to file motion to seek an extension
4 of time to file a brief. This motion satisfies the requirements of NRAP 27 and
5 33(3)(A).
6

7
8 The Opening Brief is currently due June 27, 2018. This is first written request for
9 an extension of time. Previously, a fourteen (14) day telephonic extension of time
10 was granted on June 13, 2018. As detailed in the previous section, good cause exists
11 as there was a delay in receipt of the transcripts, a motion to appoint counsel is
12 pending in the district court, and Counsel for the Appellant requires additional time
13 to review the trial transcripts to prepare the Opening Brief.
14
15

16 On June 27, 2018, undersigned counsel's support staff contacted the Attorney
17 General's Office for the State of Nevada via telephone to ascertain their position on
18 the present motion; however, we did not receive a response prior to filing this
19 motion.
20
21

22 This request is not made for any dilatory purpose, but is necessary to protect the
23 interests of the Appellant.
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSION

WHEREFORE, the Appellant respectfully requests that this Court grant this extension request and extend the time to file the opening brief up to and including July 27, 2018.

The foregoing does not include the social security number of any person.

DATED this 27th day of June, 2018. JAVAR ERIS KETCHUM,
by his attorney,

/s/ Nicholas M. Wooldridge

Nicholas M. Wooldridge, Esq.
400 South 7th Street, 4th Floor
Las Vegas, NV 89101
Telephone: (702) 330-4645
Facsimile: (702) 359-8494
nicholas@wooldridgelawlv.com
Counsel for Appellant

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

Adam P. Laxault, Esq.
OFFICE OF THE ATTORNEY GENERAL
100 North Carson Street
Carson City, NV 89701

/s/ Melody Phommaly

An employee of Wooldridge Law, Ltd.

1 NICHOLAS M. WOOLDRIDGE
2 Nevada State Bar No. 8732
3 WOOLDRIDGE LAW, LTD.
4 400 South 7th Street, 4th Floor
5 Las Vegas, NV 89101
6 Telephone: (702) 330-4645
7 nicholas@wooldridgelawlv.com
8 Attorney for Javar Eris Ketchum

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

11 JAVAR ERIS KETCHUM,
12 *Appellant,*

13 vs.

14 STATE OF NEVADA,
15 *Appellee,*

Supreme Court No. 75097

District Court Case No. C319714

DECLARATION IN SUPPORT
OF MOTION FOR
EXTENSION OF TIME

18
19 I, Nicholas M. Wooldridge, hereby depose and say the following:

- 20 1. I am over the age of eighteen (18) and believe in the obligations of an
21 oath.
22
23 2. I am the Appellant's counsel of record.
24
25 3. I represented the Appellant in the proceedings in the district court,
26 including at trial and sentencing.
27
28

- 1 4. In preparation for this appeal, we had requested that all of the transcripts
2 be prepared; however, due to oversight by the reporting service, the
3 parties' opening and closing statements were omitted from the record.
4 Consequently, I had to file a motion to compel production of the
5 omitted transcripts.
6
- 7 5. After the transcripts were completed, I received notification on or about
8 May 2, 2018 that the transcripts were prepared; however, since that date
9 I have had to prepare for trial and sentencing hearings in various
10 unrelated cases.
11
- 12 6. This Court originally set the Opening Brief due date at June 13, 2018.
13 A telephonic extension was granted up to and including June 27, 2018.
14
- 15 7. Further, undersigned counsel is presently representing the Appellant
16 without compensation. Undersigned counsel has just recently filed a
17 Motion for Appointment of Counsel with the District Court, which is
18 pending consideration.
19
- 20 8. This is a complex case involving a voluminous record and requires a
21 complete review of the record prior to preparation of the Opening Brief.
22
- 23 9. There is no risk of prejudice to the State of Nevada or to the Client from
24 granting of this motion.
25
26
27
28

10. Accordingly, in order to allow sufficient time to prepare a proper brief, I respectfully request that the Court extend the due date for filing the opening brief until July 27, 2018.

11. This request is not made for any dilatory purpose, but is necessary to protect the interests of the appellant.

I swear under the penalty of perjury under the laws of the State of Nevada that
the foregoing is true and accurate to the best of my knowledge and belief.

Dated this 27th day of June 2018.

/s/ Nicholas M. Wooldridge

Nicholas M. Wooldridge, Esq.
Wooldridge Law, Ltd.