

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

Electronically Filed
Jul 24 2018 08:49 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

JAVAR ERIS KETCHUM,
Appellant,

vs.

STATE OF NEVADA,
Appellee,

Supreme Court No. 75097

District Court Case No. C319714

**APPELLANT'S THIRD
MOTION TO EXTEND TIME
FOR FILING OPENING BRIEF**

COMES NOW, Appellant Javar Eris Ketchum, by and through his undersigned counsel, and pursuant to NRAP 27 and 31(b)(3), and respectfully requests an extension of time to file his Opening Brief. The Opening Brief is currently due on July 27, 2018. A fourteen day (14) telephonic extension and a thirty day (30) extension of time have previously been granted. Through this motion, Appellant requests a further thirty (30) day extension of time up to and including August 27, 2018 in which to file his Opening Brief to allow the appointment of undersigned counsel by the district court.

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. Consequently, counsel previously requested a fourteen day (14) extension of time and a thirty (30) day extension of time.

On or about June 27, 2018, after consultation with the Clerk's Office and the Director of the Office of Appointed Counsel, undersigned counsel filed a motion for appointment of counsel. The district court held a hearing on the motion on July 10, 2018 and indicated its intention to grant the motion and referred the matter to Drew Christensen, Esq., Director of the Office of Appointed Counsel to determine whether undersigned counsel could be appointed.

1 On or about July 24, 2018, undersigned counsel was informed that the motion for
2 appointment of counsel would be granted and that undersigned counsel would be
3 appointed *effective* July 26, 2018.
4

5 While extension of time for calendar conflicts and press of business are not
6 favored by the Court, the delay in preparation of the transcripts, the inability of the
7 client to pay for services on appeal, and the delay in ruling on the Motion for
8 Appointment of Counsel with the District Court, establish good cause to grant the
9 instant motion. Importantly, however, undersigned counsel has been diligent in
10 trying to expedite this appeal by securing the transcripts and other materials at his
11 own expense. This is a complex case involving a voluminous record and requires a
12 complete review of the record prior to preparation of the Opening Brief. Until the
13 Motion for Appointment of Counsel was ruled on by the District Court, undersigned
14 counsel was limited in the amount of time he could spend in preparing the brief as
15 there was no certainty he would receive payment for the services to be rendered,
16 including, significant costs of binding and printing. This is the final request for
17 extension of time and we do not expect any further delays. There is no risk of
18 prejudice to the State of Nevada or to the Client from granting of this motion.
19
20
21
22
23
24
25
26
27
28

1 **B. APPLICABLE LAW**

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

6 The Opening Brief is currently due July 27, 2018. This is second written request
7 for an extension of time. Previously, a fourteen (14) day telephonic extension of time
8 and a further thirty (30) day extension of time have been granted in this case. As
9 detailed in the previous section, good cause exists as there was a delay in receipt of
10 the transcripts, the motion to appoint counsel was just recently granted by the district
11 court, and Counsel for the Appellant requires additional time to review the trial
12 transcripts to prepare the Opening Brief.
13
14
15

16 Undersigned counsel's support staff has contacted the Attorney General's Office
17 for the State of Nevada via telephone to ascertain their position on the present
18 motion; however, we have not receive a response prior to filing this motion.
19

20 This request is not made for any dilatory purpose, but is necessary to protect the
21 interests of the Appellant.
22
23
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

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

DATED this 24th day of July, 2018. JAVAR ERIS KETCHUM,
by his attorney,

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
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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.

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

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

JAVAR ERIS KETCHUM,
Appellant,

vs.

STATE OF NEVADA,
Appellee,

Supreme Court No. 75097

District Court Case No. C319714

**DECLARATION IN SUPPORT
OF MOTION FOR
EXTENSION OF TIME**

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

1. I am over the age of eighteen (18) and believe in the obligations of an oath.
2. I am the Appellant's counsel of record.
3. I represented the Appellant in the proceedings in the district court, including at trial and sentencing.

- 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 A further request for extension of time was granted up to and including
15 July 27, 2018 to permit the district court to consider our Motion for
16 Appointment of Counsel.
17
- 18 7. To date, undersigned counsel has represented the Appellant on appeal
19 without compensation. Due to the significant costs involved in
20 preparing the appellate briefs and the inability of the Client to pay the
21 costs, undersigned counsel filed a Motion for Appointment of Counsel
22 with the District Court. The District Court has indicated that it intends
23 to grant the said Motion and the Director of the Office of Appointed
24
25
26
27
28

1 Counsel, Drew Christensen, Esq., has indicated that I will be appointed
2 effective as of July 26, 2018.

3 8. This is a complex case involving a voluminous record and requires a
4 complete review of the record prior to preparation of the Opening Brief.
5

6 9. There is no risk of prejudice to the State of Nevada or to the Client from
7 granting of this motion.
8

9 10. Accordingly, in order to allow sufficient time to prepare a proper brief
10 and due to scheduling delays in the district court in expeditiously
11 deciding the Motion for Appointment of Counsel, I respectfully request
12 that the Court extend the due date for filing the opening brief until
13 August 27, 2018.
14

15 11. This request is not made for any dilatory purpose, but is necessary to
16 protect the interests of the appellant.
17
18

19 I swear under the penalty of perjury under the laws of the State of Nevada that
20 the foregoing is true and accurate to the best of my knowledge and belief.
21

22 Dated this 24th day of July 2018.

23 */s/ Nicholas M. Wooldridge*

24 _____
25 Nicholas M. Wooldridge, Esq.
26 Wooldridge Law, Ltd.
27
28