

IN THE SUPREME COURT OF THE STATE OF NEVADA

D'VAUGHN KEITHAN KING,

Appellant,

v.

No. 85838

THE STATE OF NEVADA,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S SECOND UNOPPOSED MOTION

FOR EXTENSION OF TIME

COMES NOW, Appellant D'VAUGHN KEITHAN KING, by and through his counsel of record, THERESA RISTENPART, ESQ., and hereby requests this Court enter an Order extending the due date of Mr. King's Opening Brief by another forty-five (45) days, from July 10, 2023 to August 24, 2023.

The extension is necessary for the following reasons:

1. On January 20, 2023, Theresa Ristenpart, Ristenpart Law, LLC, was appointed by the Second Judicial District to take over the Nevada Supreme Court appeal from the lower court's denial of Mr. King's petition for writ of habeas corpus.
2. Mr. King is currently incarcerated in High Desert State Prison.

3. There has been continued ongoing issues with communication with Mr. King while he is incarcerated. Legal mail continues to be diverted and/or takes weeks before Mr. King receives it. Privileged attorney/client phone conferences have been cancelled at the last minute due to issues at the prison.
4. One of Mr. King's main issues with prior counsel was not being able to communicate with counsel.
5. Counsel needs additional time to ensure Mr. King has been able to confer with Counsel to write an informed opening brief with the input of client.
6. Washoe County Deputy District Attorney Marilee Cate has informed Counsel that she has no objection to another forty-five (45) day continuance.
7. This will be Counsel's second extension request.

For these reasons, we respectfully request that the Court extend the due date of Mr. King's Opening Brief by forty-five (45) days, from July 10, 2023 to August 24, 2023.

FURTHERMORE, pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

DATED this 9^h day of July, 2023.

By /s/ Theresa Ristenpart
Theresa Ristenpart, Esq.
Attorney for Appellant Mr. D'Vaughn King

CERTIFICATE OF SERVICE

I hereby certify that I electronically submitted the foregoing, Appellant D’Vaughn King’s Unopposed Secon Motion for Extension of Time, with the Clerk of the Court for the Nevada Supreme Court by using the EFlex system on July 9, 2023.

Participants in the case who are registered EFlex users will be served by the appellate Eflex system.

I further certify that some of the participants in the case are not registered Eflex users. I have mailed the foregoing document to the following Eflex participants:

Mr. D’Vaughn King
#1115593
High Desert State Prison
22010 Cold Creek Road
Indian Springs, Nevada 89070

/s/ Naomi Kandarian
Naomi Kandarian, Legal Receptionist