

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK SKINNER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Docket No. 86846
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR CONTINUANCE/ EXTENSION OF TIME IN WHICH TO
FILE APPELLANT'S OPENING BRIEF**

COMES NOW, Defendant/Appellant, RODERICK SKINNER, by and through Karla K. Butko, court-appointed counsel of record, and hereby requests leave of court for an extension of time in which to file Appellant's Opening Brief in this matter. This is a first request for continuance.

Counsel certifies the following information to this Court:

1. Counsel has contacted Jennifer P. Noble, Appellate Chief Deputy District Attorney for Washoe County, assigned to this appeal and she has no objection to this continuance.

2. Counsel met with Mr. Skinner at Northern Nevada Correctional Center on January 26, 2024. Mr. Skinner consented to a sixty day continuance request on the Opening Brief.

3. In spite of the fact that this case concluded by way of a plea bargain, the record is extensive. Counsel has reviewed volumes 1-9 of the appeal index record. Volumes 10-16 are filed sealed so counsel does not have access to the documents. Also difficult to understand are the page numbers for Volumes 11-16. The numbering system seen in the appeal index makes no logical sense. Volume 2 should be pages 250-500. Yet, it appeared that volumes 11, 12, and 13 have the same page numbers. Volume 3 should be 501-750. It appears that volumes 11, 12, and 13 will have the same numbers. Volume 4 should be 751-1000. Yet, those pages are found in volumes 13, 14, 15, and 16. As the court will note, it will be this attorney's issue to straighten this out. In order to do so, access to the sealed volumes is necessary.

4. Counsel certifies that this request for continuance is not for purposes of delay and is

required in order to properly litigate this appeal and provide t his Court the best project possible for such a serious case. It appears that the key issue on appeal will be whether or not Gonzales v. State, 136 Nev. Adv. Op. 60, decided October 1, 2020, announced a new rule of law. If so, Mr. Skinner's petition for writ of habeas corpus (postconviction) should not have been procedurally barred by the district court.

WHEREFORE, counsel requests an extension for a sixty day period of time, from the current due date, in which to file Appellant's Opening Brief, i.e. to the date of April 8, 2024.

DATED this 31st day of January, 2024.

By: Karla K. Butko
KARLA K. BUTKO, ESQ.
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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of KARLA K. BUTKO, LTD., P. O. Box 1249, Verdi, NV 89439, and that on this date I caused the foregoing document to be delivered to all parties to this action by

X e-flex delivery of the Nevada Supreme Court

addressed as follows:

Jennifer P. Noble
Washoe County Chief Appellate District Attorney

DATED this 31st day of January, 2024.

Karla K. Butko
Karla K. Butko, Esq.