

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

2   JAVAR KETCHUM,

Docket No. 87012

3                   Appellant,

4                   vs.

5   THE STATE OF NEVADA,

6                   Respondent.

Electronically Filed  
Nov 07 2023 05:47 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

7                   **APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE**  
8                   **OPENING BRIEF AND APPENDIX**  
9                   **(FIRST REQUEST)**

10                  Appellant, JAVAR KETCHUM, by and through his attorney, C.

11          BENJAMIN SCROGGINS, ESQ., of THE LAW FIRM OF C. BENJAMIN

12          SCROGGINS, CHTD., hereby moves this Honorable Court for an Order extending

13          the time to file the Opening Brief and Appendix in the above-captioned case. This

14          Motion is made and based upon the pleadings and papers on file in this matter, the

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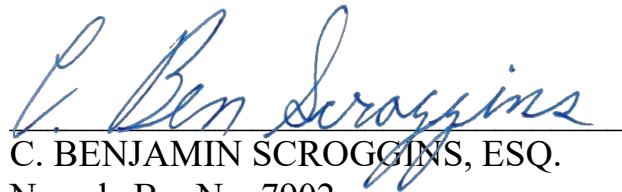
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1 following Memorandum of Points and Authorities, and upon any other argument or  
2 evidence the Court may request in considering the Motion.

3 MADE this 7th day of November, 2023.

4 **THE LAW FIRM OF**  
5 **C. BENJAMIN SCROGGINS, CHTD.**

6   
7 C. BENJAMIN SCROGGINS, ESQ.

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11 *Attorney for Appellant,*  
12 *JAVAR KETCHUM*

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 The due date for Appellant, JAVAR KETCHUM's (hereinafter "MR.  
15 KETCHUM"), Opening Brief and Appendix is currently November 7, 2023.  
16 Undersigned counsel was appointed to represent MR. KETCHUM in the Eighth  
17 Judicial District Court for case number A-20-821316-W, a petition for writ of  
18 habeas corpus (postconviction). When MR. KETCHUM's Petition was denied,  
19 undersigned counsel filed a Notice of Appeal on his behalf to preserve his  
20 appellate rights. At the request of undersigned counsel, MR. KETCHUM filed an  
21 application to proceed in forma pauperis in the district court case on September 28,

1 2023. No action has been taken on the application by the district court.

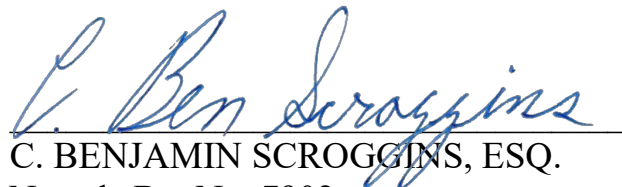
2       Undersigned counsel has now advised MR. KETCHUM to submit an  
3 application to proceed in forma pauperis with this Court. Undersigned counsel  
4 wishes to assist MR. KETCHUM in every way possible. However, with MR.  
5 KETCHUM's indigency status not having been affirmed, undersigned counsel has  
6 never been formally appointed on this case. Undersigned counsel has been unable  
7 to invest the resources necessary to litigate this appeal and anticipates that the cost  
8 in employee time and office expenses will only increase as the case progresses.  
9 Undersigned counsel is requesting an extension of time of 60 days to allow time  
10 for this Court to determine whether MR. KETCHUM qualifies to be treated as an  
11 indigent defendant and whether he can be appointed counsel. Undersigned counsel  
12 is willing to continue representing MR. KETCHUM on an appointed basis, but  
13 needs confirmation as to whether he can do so.

14       NRAP 26(b)(1)(A) provides that this Court may extend the time to perform  
15 any act for good cause. Good cause exists due to the Application to proceed in  
16 forma pauperis having been submitted, and no action having been taken by the  
17 district court. MR. KETCHUM should be given the opportunity of this Appeal,  
18 but the status of his counsel must be clarified. If undersigned counsel is to  
19 continue to invest time and expense he must know if he is able to do so as an  
20 appointed attorney, or if his work has been, and will be, pro bono.

1 MR. KETCHUM requests an extension of 60 (SIXTY) days, up to and  
2 including January 8, 2024, to file his Opening Brief and Appendix. Undersigned  
3 counsel submits that the above-stated reasons constitute “good cause” for the  
4 extension requested. The additional time is necessary to ensure that MR.  
5 KETCHUM’s claims are adequately presented to this Court and undersigned  
6 counsel can fulfill his constitutional obligations. No extensions have previously  
7 been requested in this case and the extension now requested should provide  
8 adequate time.

9 MADE this 7th day of November, 2023.

10 **THE LAW FIRM OF**  
11 **C. BENJAMIN SCROGGINS, CHTD.**

12   
13 C. BENJAMIN SCROGGINS, ESQ.

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17 *Attorney for Appellant,*  
18 *JAVAR KETCHUM*

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CERTIFIED this 7th day of November, 2023.

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