

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD ABDIEL SILVA,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

No. 87094

Dist. Court No. CR18-1135 B

FILED

OCT 23 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: [Signature]
DEPUTY CLERK

APPELLANT'S JUDICIAL NOTICE

COMES NOW, Appellant, Richard Abdiel Silva (Appellant), by and through his proper person, and hereby submits the foregoing "Appellant's Judicial Notice" (Notice), for this Court's review in "lieu of Appellant's Motion For Extension of Time,"

Nevada Revised Statutes (NRS), Chapter 47. General Provisions; Judicial Notice; Presumptions Judicial Notice, that, Appellant respectfully requests that that this Court take Judicial Notice as follows:

NRS 47.130 Matters of fact:

It is factually known that Appellant is on appeal in this court, and is proceeding pro se on appeal.

NRS 47.140 Matters of law:

The NRS are recognized as law in the State of Nevada, as such that NRS 177.075 allows for appeals to the Supreme Court of the State of Nevada (SCOTSON), as to criminal matters. The Due Process and Equal Protection Clause of the Fourteenth

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(14th), Amendment to the United States Constitution (COTUS), safeguards this right to appeal.

NRS 47.150 Discretionary and mandatory notice:

This Court is specifically requested to take judicial notice.

The following information is provided: That, On AUG 16 2023, in Case No. 87094, this Court issued an Order Directing Transmission of Record And Regarding Briefing.

This Order direct the clerk of the Second Judicial District Court to, transmit to the clerk of this Court a certified copy of the complete trial court record of this appeal. Citing NRAP 11(a) (2), providing said clerk 30 days from the date of the order to complete said transmission.

That, because Appellant is "pro se", Appellant is to receive a copy of the Record On Appeal (ROA). That, to date, Appellant has not received a copy of the ROA.

That, the Order also provided that, within 120 days (presumably from the date of the Order), appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or...

That, without the ROA, Appellant cannot reasonably comply with the Nevada Rules of Appellate Procedure (NRAP), to file a brief.

That, since this Court gave the clerk of the Second Judicial District Court 30 days from the date of the Order, Appellant has lost forty-eight (48), days towards preparing a brief and counting.

NRS 47.160 Opportunity to be heard:

Appellant is entitled pursuant to this request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter to be noticed.

The tenor of the matter is that of not receiving a copy of the ROA, in order to perfect briefing on appeal.

NRS 47.170 Time of taking notice:

Judicial notice may be taken at any stage of the proceedings prior to submission to the court.

That, the present appeal has not been submitted to the court for decision, wherefore, judicial notice may be taken at this stage of this proceeding.

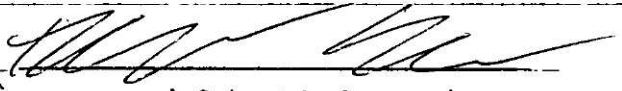
CONCLUSION

That, since Appellant has yet to receive the ROA, and to date has less 48 days to prepare Appellant's opening brief on appeal.

Whereby, Appellant does respectfully request that this Court will direct the clerk of the Second Judicial Court to issue to Appellant a complete copy of the ROA, as certified to this court; or that this Court waive the requirements NRAP to Appellant on appeal.

Additionally, Appellant does respectfully request 120 days to submit a brief, from the date of resolution of this matter; whether this Court waives the requirements of NRAP to Appellant on appeal; or that Appellant's 120 days to submit a brief on appeal commence, on the date of receipt of the ROA.

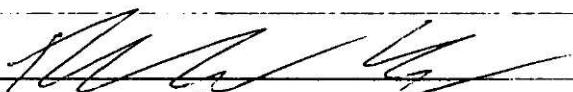
Respectfully submitted:
Dated this day of October, 2023.


RICHARD ABDIEL SILVA
APPELLANT PRO SE

CERTIFICATE OF SERVICE

That, this Judicial Notice, is solely for the Supreme Court of the State of Nevada (SCOTSON), whereby, that are no other parties to be served.

Respectfully submitted:
Dated this day of October, 2023.


RICHARD ABDIEL SILVA
APPELLANT PRO SE

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