

IN THE SUPREME COURT OF THE STATE OF NEVADA

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STEVEN TURNER,	)	Electronically Filed Dec 21 2018 03:53 p.m. Elizabeth A. Brown Clerk of Supreme Court Case No. 76465
	)	
Appellant,	)	
	)	
vs.	)	
	)	
THE STATE OF NEVADA,	)	
	)	
Respondent.	)	
	)	

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**APPELLANT’S MOTION FOR EXTENSION OF TIME**

Comes Now Appellant STEVEN TURNER, by and through Chief Deputy Public Defender DEBORAH L. WESTBROOK, and moves for an extension of time of forty-five (45) days from Friday, December 21, 2018, through and including **Monday, February 4, 2019**, to file the Opening Brief in this case. The grounds for this request are described in the attached Declaration.

DATED this 21 day of December, 2018.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By /s/ Deborah L. Westbrook  
DEBORAH L. WESTBROOK, #9285  
Chief Deputy Public Defender  
309 So. Third Street, Suite #226  
Las Vegas, Nevada 89155-2610  
(702) 455-4685

## DECLARATION OF DEBORAH L. WESTBROOK

1. I am an attorney licensed to practice law in the State of Nevada; I am the Chief Deputy Public Defender assigned to handle the appeal of this matter; I am familiar with the procedural history of this case.

2. After a 10-day jury trial, Appellant Steven Turner and his co-defendant Clemon Hudson were convicted of five serious felonies: conspiracy to commit burglary; attempt burglary while in possession of a firearm or deadly weapon; 2 counts of attempt murder with use of a deadly weapon; and battery with use of a deadly weapon resulting in substantial bodily harm. In a Judgment of Conviction filed on July 2, 2018, Appellant was sentenced to 14-40 years in prison as a result of these convictions.

3. The instant appeal was docketed in the Nevada Supreme Court on July 24, 2018. Appellant's Opening Brief and Appendix were scheduled to be filed 120 days later, on November 21, 2018.

4. On November 16, 2018, I obtained a stipulated 30-day extension of time to file Appellant's Opening Brief and Appendix. As a result, Appellant's Opening Brief and Appendix are now due on December 21, 2018.

5. In this Motion, I am requesting **one** additional extension of time to file the Opening Brief and Appendix. Initially, this case involves legal

issues that I have not previously addressed on appeal, including co-conspirator liability, the standard for joining/severing co-defendants, and the admissibility of co-defendant's statements at trial pursuant to **Bruton v. United States**, 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed.2d 476 (1968). I have had to do substantial legal research to ensure that I am able to properly analyze these issues on appeal, and this has taken time that I would ordinarily spend reviewing the record and/or drafting my brief.

6. In addition, the Appendix in this case is voluminous, consisting of eleven volumes and 2,312 pages. I have not yet finished reviewing the Appendix and identifying issues for appeal. Because I have been researching the law as I go along, I have only reviewed and outlined the first 1,550 pages. It will take me at least a week to finish reviewing and outlining the Appendix.

7. Moreover, the State introduced 420 exhibits at trial. I need to obtain copies of these exhibits from the Evidence Vault and review them in order to determine whether the District Court erred in admitting any of those exhibits. I have already requested copies of the trial exhibits. However, it will take time for the Evidence Vault Clerk to copy so many exhibits and I do not know whether they will be able to do so before the holidays.

8. Finally, once I have finished reviewing the Appendix and all of the trial exhibits, I need to meet with Mr. Turner at High Desert State Prison to discuss his case. Mr. Turner has specifically asked that I meet with him before filing his Opening Brief. This meeting is necessary because Mr. Turner has a Sixth Amendment right to participate in his defense and I am required to facilitate effective communication with my clients under ADKT 411. However, it will take time to schedule a face-to-face meeting with Mr. Turner, particularly during the holiday season.

9. In my professional opinion, a **forty-five day** extension of time is the minimum amount of time necessary in order for me to fulfill my professional obligations under ADKT 411 and safeguard Mr. Turner's constitutional rights, including his Sixth Amendment right to the effective assistance of counsel and his 5th and 14th Amendment rights to due process. I am therefore requesting a **45-day** extension of time to file the Opening Brief and Appendix, up to and including **February 4, 2019**.

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10. This Motion for Extension is made in good faith and not for the purpose of delay.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 21 day of December, 2018.

/s/ Deborah L. Westbrook  
DEBORAH L. WESTBROOK

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 21 day of December, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT  
STEVEN S. OWENS

DEBORAH L. WESTBROOK  
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

STEVEN TURNER  
NDOC No. 1200863  
c/o High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

BY /s/ Carrie M. Connolly  
Employee, Clark County Public  
Defender's Office