

● ORIGINAL ●

IN THE SUPREME COURT OF THE STATE OF NEVADA

1  
2  
3  
4 TERRENCE KARYIAN BOWSER, )  
5 )  
6 Appellant, )  
7 vs. )  
8 THE STATE OF NEVADA, )  
9 )  
10 Respondent. )

Case No. 50851

**FILED**

FEB 27 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

**APPELLANT'S MOTION FOR EXTENSION OF TIME DUE TO**  
**CHANGES TO APPENDIX PRIOR TO FILING**

11 COMES NOW Appellant TERRENCE KARYIAN BOWSER, by and  
12 through Deputy Public Defender AUDREY M. CONWAY, and moves this  
13 Honorable Court to grant a five (5) day extension of time from  
14 Monday, February 23, 2009, through and including Friday,  
15 February 27, 2009, within which to file the Opening Brief in the  
16 above entitled case.  
17

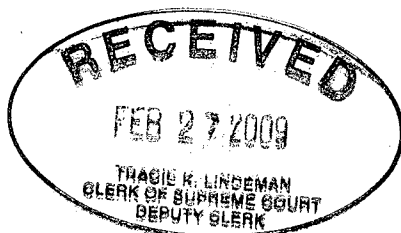
18 This Motion is based upon the Declaration of counsel  
19 attached hereto.  
20

21 DATED this 25<sup>th</sup> day of February, 2009.

22 PHILIP J. KOHN  
23 CLARK COUNTY PUBLIC DEFENDER

24  
25 By

*Audrey M. Conway*  
AUDREY M. CONWAY, #5611  
Deputy Public Defender  
309 So. Third Street, Suite #226  
Las Vegas, Nevada 89155-2610  
(702) 455-4685



09-05118

1                                   **DECLARATION OF AUDREY M. CONWAY**

2                   1. I am an attorney licensed to practice law in the  
3 State of Nevada; I am a deputy public defender assigned to  
4 handle the appeal of this matter; I am familiar with the  
5 procedural history of this case.  
6

7                   2. That the Opening Brief was due to be filed on or  
8 before Monday, February 23, 2009. This Court has granted  
9 previous extensions due to delays in receipt of transcripts.

10                  3. Declarant was preparing the Opening Brief and in  
11 the process of adding citations to particular transcripts, it  
12 appeared that the transcript was in the appendix as far as the  
13 index was concerned, however, when Declarant made an attempt to  
14 cite to an actual page number, the transcripts had inadvertently  
15 been omitted.  
16

17                  4. Declarant contacted appellate staff who immediately  
18 obtained copies of the transcripts, Bate stamped the pages and  
19 made them available to Declarant for her utilization. These  
20 copies will still need to be incorporated into the actual  
21 appendix.  
22

23                  5. Declarant as well as Appellate staff needed five  
24 additional working days to finalize the Opening Brief and submit  
25 for filing.  
26

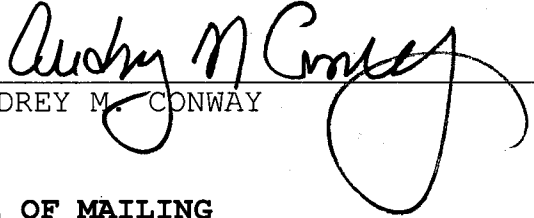
27                  6. This case was one in which the death penalty was  
28 sought, and involves complex legal and factual issues that

1 required additional time for the completion of the research and  
2 writing of the opening brief.

3 7. That this request for extension of time is made  
4 in good faith and not for the purposes of delay.  
5

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

8 EXECUTED on the 25<sup>th</sup> day February, 2009.

9  
10   
11 AUDREY M. CONWAY

12 **CERTIFICATE OF MAILING**

13 I hereby certify and affirm that I mailed a copy of  
14 the foregoing APPELLANT'S MOTION FOR EXTENSION OF TIME DUE TO  
15 CHANGES TO APPENDIX PRIOR TO FILING to the attorney of record  
16 listed below on this 25th day of February, 2009.  
17

18 DAVID ROGER  
19 CLARK COUNTY DISTRICT ATTORNEY  
20 200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, NV 89155

21  
22 BY   
23

24 Employee, Clark County Public  
25 Defender's Office  
26  
27  
28