

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRENCE KARYIAN BOWSER,  
  
Appellant,  
  
vs.  
  
THE STATE OF NEVADA,  
  
Respondent.

Case No. 50851

FILED

JAN 27 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

APPELLANT'S MOTION FOR EXTENSION OF TIME DUE TO RECENTLY FILED  
TRANSCRIPT AND RECENTLY RECEIVED DOCUMENTS

COMES NOW Appellant TERRENCE KARYIAN BOWSER, by and through Deputy Public Defender AUDREY M. CONWAY, and moves this Honorable Court to grant a forty-five day extension of time from January 23, 2009, through and including Monday, March 9, 2009, within which to file the Opening Brief in the above entitled case.

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

DATED this 23rd day of January, 2009.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

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

RECEIVED  
JAN 27 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

**DECLARATION OF AUDREY M. CONWAY**

1  
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 January 23, 2008. This Court has granted four previous  
9 extensions, three of which resulted from delays in receipt of  
10 transcripts, and one of which resulted from delays in the  
11 preparation of the appellate appendix and affiant's need for  
12 additional time to research and write the opening brief.

13  
14           3. Because this was a capital case, the file is  
15 voluminous, consisting of eight bankers' boxes of documents.  
16 This office has recently experienced significant delays in the  
17 incorporation of documents into the appellate appendices of  
18 several appellate files due to staffing shortages.  
19 Unfortunately, appellate staff recently located two additional  
20 bankers' boxes of documents related to this case, resulting in a  
21 delay of two weeks while the documents were reviewed, indexed,  
22 and incorporated into the appendix. Further, appellate staff  
23 only recently discovered that not all trial transcripts had been  
24 properly stamped and incorporated into the appellate appendix,  
25 resulting in a delay of an additional two weeks while the  
26 transcripts were placed in order, stamped, copied, and  
27 incorporated into the appellate appendix.  
28

1           4. As of the last extension request in late November,  
2 2008, the appellate appendix consisted of three volumes of about  
3 250 pages each, but included only some of the trial transcripts.  
4 However, the final appendix including all transcripts and the  
5 recently discovered documents was recently completed and  
6 delivered to affiant in the last week of December. The final  
7 appendix consists of seven volumes and a total of 2,310 pages.

9           5. Because this was a capital case, the trial and  
10 hearing transcripts were filed with the District Court prior to  
11 the filing of the Notice of Appeal. However, these documents are  
12 scattered throughout the seven volumes of the thousands of pages  
13 of the lower court record and were only recently placed in order  
14 within the appendix. Further, the transcript of the co-  
15 defendant's sentencing was just filed on December 30, 2008,  
16 which appellant has not received yet but which may involve a  
17 discussion of facts relevant to Mr. Bowser's appeal and which  
18 may need to be incorporated into the appendix.

21           6. During the process of reading the nearly thirty  
22 pre-trial motions (also scattered throughout the voluminous  
23 record); identifying and reading the transcripts of the hearings  
24 thereupon; and locating and reading the trial court's numerous  
25 rulings, it became clear that certain critical motions had been  
26 partially or completely omitted from the appendix, or included  
27 within the appendix but not identified as a separate motion  
28 within the index. Compounding the confusion, some of the motions

1 contained similar captions and had been conflated in the record  
2 although they proffered varying arguments and sought varying  
3 relief.

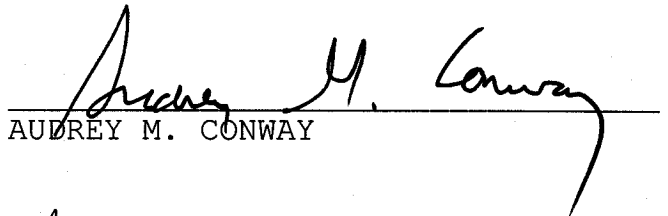
4 7. Because the lower court sometimes did not rule on a  
5 particular matter at the initial hearing date and because some  
6 of the motions and hearings related to a co-defendant, accurate  
7 identification and reconstruction of this record took far more  
8 time than I anticipated and resulted in significant delays in  
9 the research and writing of the opening brief.

11 8. As a result of the complexity of the legal issues,  
12 the seriousness of the charges and the sentences, the recently  
13 filed transcripts, and the sheer size of the record in this  
14 case, affiant respectfully asks this Honorable Court to grant  
15 another extension of forty-five days to complete the research  
16 and writing of the opening brief, to review the recently-  
17 completed appendix, and to comport all references to trial  
18 transcripts in the brief with the recently-stamped appellate  
19 appendix.

22 9. That this request for extension of time is made  
23 in good faith and not for the purposes of delay.

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

26 EXECUTED on the 23<sup>rd</sup> day of January, 2009.

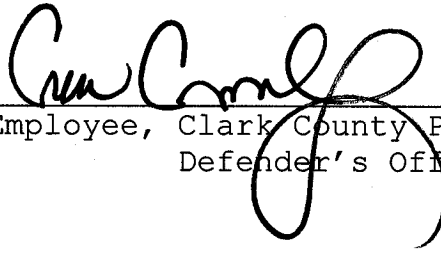
28   
AUDREY M. CONWAY

CERTIFICATE OF MAILING

I hereby certify and affirm that I mailed a copy of the foregoing Appellant's Motion for Extension of Time to the attorney of record listed below on this 23<sup>rd</sup> day of January, 2009.

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

BY

  
Employee, Clark County Public  
Defender's Office