1	IN THE SUPREME COURT OF THE STATE OF NEVADA
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3	RONALD ROSS,)
4)
5	Appellant,) Case No. 52921
6	vs.) E-File
7	THE STATE OF NEVADA,) E-File Electronically Filed Sep 28 2009 02:42 p.m.
8	Respondent. Tracie K. Lindeman
9	
10	APPELLANT'S MOTION FOR AN EXTENSION OF TIME
11	COMES NOW Appellant RONALD ROSS, by and through Deputy Public
12	Defender P. DAVID WESTBROOK, and moves this Honorable Court to grant a ninety (90) day
13	extension of time from Monday, September 28, 2009, through and including Monday, December
14	
15	28, 2009, within which to file the Opening Brief in the above entitled case.
16	This Motion is based upon the attached Declaration of counsel.
17	DATED this 28th day of September, 2009.
18	PHILIP J. KOHN
19	CLARK COUNTY PUBLIC DEFENDER
20	
21	Ву
22	P. DAVID WESTBROOK, #9278 Deputy Public Defender
23	309 So. Third Street, Suite #226 Las Vegas, Nevada 89155-2610
24	(702) 455-4685
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DECLARATION OF P. DAVID WESTBROOK 1 2 1. I am an attorney duly licensed to practice law in the State of Nevada and the 3 Deputy Public Defender assigned to represent RONALD ROSS on appeal currently pending 4 before this Court. 5 2. The Opening Brief was due to be filed on or before Monday, September 28. 6 2009. 7 8 3. Declarant recently joined the appellate team and began receiving appellate 9 assignments. Due to personnel shortage in the Public Defender's office, declarant had to bring 10 thirteen active trials with him to the appellate team. Declarant is aware that caseload is not a 11 determining factor for the granting of a Motion for an Extension, however, declarant would like 12 13 this Honorable Court to be aware that he has the following upcoming trials and will be working 14 on both his appellate assignments as well as his trials. 15 4. Declarant has the following trials in the upcoming months. 16 Sept. 28: State v. Alvarez, Possession of a Firearm by Ex Felon, three day trial. 17 Oct. 5: State v. Grant, Kidnapping/Att.. Murder, 7-10 day trial. 18 19 State v. Stockwell (1), Burglary, "Habitual Case, 3-5 day trial. Oct. 12: 20 Nov. 9: State v. Horn, Multiple armed Robberies, five day trial. State v. Schindler, Multiple Theft Counts, 5-7 day trial 21 State v. Lacey, Att. Murder, 5 day trial. 22 Nov. 16: State v. Stockwell (2), Burglary, "Habitual Case, three day trial. 23 Dec. 7: State v. Lopez, Grand Larceny Auto, 3-4 day trial. 24 25 Dec. 14: State v. Thomas, Burglary, "Habitual case, 3-5 day trial.

5. Declarant will be trying the above cases as well as handling his appellate workload through the month of December. By January, most, if not all of declarant's trials will be complete allowing declarant to concentrate on his appellate workload full time.

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- 6. Appellant's charges in this case are serious and include: Count 1 Burglary, Count 2 Larceny from the Person; Count 3 Burglary; Court 4 Possession of Credit or Debit Card Without Cardholder's Consent; Count 5 Fraudulent Use of Credit or Debit Card; Count 6 Theft; Count 7 Conspiracy to Commit Larceny and sentenced to \$25 Admin. fee; \$270 restitution; \$150 DNA analysis fee; genetic testing; sentenced under the Large Habitual Criminal Statute: Count 1 10 years to Life in prison; Count 2 10 years to Life in prison to run concurrent with Count 1; Counts 3, 4, 5, and 6 10 years to Life in prison; Count 7 one year in CCDC; Counts 3-7 are to run concurrent to each other and consecutive to Counts 1 & 2; 200 days CTS. Appellant received multiple life sentences.
- 7. Due to the complexity of the case, ninety days are necessary beyond the current due date to conduct research and prepare the Opening Brief. This will also allow Declarant time to contact Appellant and receive input from him regarding the appeal.
- 8. This request for an extension of time is made in good faith and not for the purposes of delay. It is the best professional judgment of the declarant that this extension is crucial to the perfection of this appeal and to the provision of effective assistance of counsel to this client.

EXECUTED on the 28th day of September, 2009.

P. DAVID WESTBROOK

1	<u>CERTIFICATE OF SERVICE</u>
2	I hereby certify that this document was filed electronically with the Nevada
3	Supreme Court on the 28th day of September 2009. Electronic Service of the foregoing
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5	document shall be made in accordance with the Master Service List as follows:
6	CATHERINE CORTEZ MASTO P. DAVID WESTBROOK STEVEN S. OWENS HOWARD S. BROOKS
7	
8	I further certify that I served a copy of this document by mailing a true and
9	correct copy thereof, postage pre-paid, addressed to:
10	RONALD ROSS
11	NDOC No. 1003485 c/o High Desert State Prison
12	P.O. Box 650 Indian Springs, NV 89018
13	manus Spanga, 111 05010
14	
15	BY Employee, Clark County Public
16	Defender's Office
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