1	IN THE SUPREME COURT OF THE STATE OF NEVADA		
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3	JUSTIN JUG CAPRI PORTER,	Electronically Filed	
4		Mar 31 2010 04:18 pl	m.
5	Appellant,	Tracie K. Lindeman Case No. 54866	
6	vs.		
7	THE STATE OF NEVADA,		
8	Respondent.))	
9		1.	
10	MOTION FOR EXTENSION IN TIME TO FILE OPENING BRIEF		
11	Comes Now Appellant Justin Porter, by and through Deputy Public Defender		
12	Howard S. Brooks, and moves this Honorable Court to grant an extension of 14 days to file the		
13	Opening Brief in this matter. This motion is based upon the attached Declaration of Howard S.		
14	Brooks.		
15			
16	DATED this 31 st day of March, 2010.		
17	PHILIP J. KOHN CLARK COUNTY PUBLIC DEFENDER		
18	CEMIC COUNTY TO BEILE DELICIOEN		
19	By Howeld Brooke		
20	ByHOWARD S. BROOKS, #3374		
21	Deputy	Public Defender	
22		Third Street, Suite #226 gas, Nevada 89155-2610	
23	(702) 45	55-5731	
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DECLARATION OF HOWARD S. BROOKS

- 1. I am an attorney licensed to practice law in the State of Nevada; I am a deputy public defender representing Justin Porter in the appeal of his second degree murder conviction in this case wherein he is serving a life sentence in prison. I am familiar with the procedural history of this case.
 - 2. The Opening Brief in this case is currently due to be filed April 1, 2010.
- 3. Because this case was originally a death penalty case, the record is extensive a total of 12 volumes.
- 4. Because of the size of the record, I have still not finished reviewing the record, I have, however, made significant progress in reviewing the record.
- 5. One reason for this delay has been the backlog here in our office in compiling the Appendix for this case. Ever since the rules changed and our office became responsible for including all transcripts in our Appendix, we have had a backlog of cases awaiting compilation. Due to county budget restraints, we are not allowed additional employees to handle this problem. Therefore, I only received the Appendix in this matter approximately ten days ago.
- 6. Because of the significant progress I have already made in reviewing the record, I believe I can complete the review of the record and draft the Opening Brief if given 14 additional days to do so.
 - 7. Therefore, I am requesting an extension in time of 14 days.
 - 8. This motion is made in good faith and not merely for any purpose of delay. I declare under penalty of perjury that the foregoing is true and correct. EXECUTED on the 31st day of March, 2010.

HOWARD S. BROOK

CERTIFICATE OF SERVICE I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 31st day of March, 2010. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows: CATHERINE CORTEZ MASTO HOWARD S. BROOKS STEVEN S. OWENS PHILIP JAY KOHN I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to: JUSTIN JUG CAPRI PORTER NDOC No. 1042449 c/o High Desert State Prison P.O. Box 650 Indian Springs, NV 89018 Employee, Clark County Public Defender's Office