

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3
4 LESEAN TARUS COLLINS,)

5 Appellant,)

6 vs.)

7 THE STATE OF NEVADA,)

8 Respondent.)

Electronically Filed
Nov 24 2010 12:45 p.m.
Tracie K. Lindeman

Case No. 55716

10
11 **APPELLANT'S MOTION FOR EXTENSION OF TIME**
12 **TO FILE OPENING BRIEF DUE TO NEED FOR**
13 **FURTHER RESEARCH AND INVESTIGATION**

14 COMES NOW Appellant LESEAN TARUS COLLINS, by and through
15 Deputy Public Defender, P. DAVID WESTBROOK, and moves this Honorable Court to
16 grant a ninety-one (91) day extension of time from Wednesday, November 24, 2010,
17 through and including Monday, February 21, 2011, within which to file the Opening
18 Brief in the above entitled case.

19
20 This Motion is based upon the attached declaration of counsel.

21 DATED this 24th day of November, 2010.

22 PHILIP J. KOHN
23 CLARK COUNTY PUBLIC DEFENDER

24
25 By 

26 P. DAVID WESTBROOK, #9278
27 Deputy Public Defender
28 309 So. Third Street, Suite #226
 Las Vegas, Nevada 89155-2610
 (702) 455-4685

1 **DECLARATION OF P. DAVID WESTBROOK**

2 1. I am an attorney duly licensed to practice law in the State of Nevada and
3 the Deputy Public Defender assigned to represent LESEAN TARUS COLLINS on
4 appeal currently pending before this Court.
5

6 2. I recently visited my client at the High Desert State Prison to discuss his
7 pending appeal in detail. We reviewed the record and legal issues in his case and, as a
8 result of our discussion, I now have several new avenues of research and investigation
9 that I must pursue before completing the opening brief.
10

11 3. As part of my research, I will need to order business records from
12 several different companies. I do not know how long it will take for these companies to
13 comply with my subpoenas.
14

15 4. Mr. Collins is currently awaiting trial in another serious case. I have
16 recently learned that there is a relationship between Collins' appellate case and his
17 pending trial. I am attempting to schedule a meeting with Collins' trial counsel to
18 discuss our common issues.
19

20 5. I am requesting a ninety-one (91) day extension to complete Mr.
21 Collins' opening brief. This request for an extension is made in good faith, and not for
22 the purpose of delay. This is a serious case; Mr. Collins was sentenced to a Life in
23 Prison with the possibility of parole after 10 years. It is my professional opinion that this
24 extension is necessary to safeguard Mr. Collins' right to effective assistance of counsel.
25

26
27 ///

28 ///

1 I declare under penalty of perjury that the foregoing is true and correct to
2 the best of my information and belief.

3 EXECUTED on the 24th day of November, 2010.

4
5 
6 P. DAVID WESTBROOK

7
8 **CERTIFICATE OF SERVICE**

9 I hereby certify that this document was filed electronically with the Nevada
10 Supreme Court on the 24th day of November, 2010. Electronic Service of the foregoing
11 document shall be made in accordance with the Master Service List as follows:

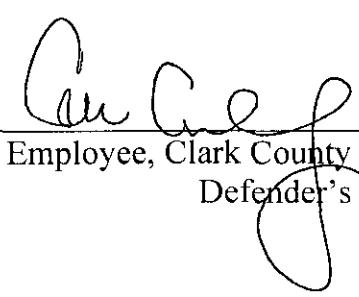
12
13 CATHERINE CORTEZ MASTO
14 STEVEN S. OWENS

P. DAVID WESTBROOK
HOWARD S. BROOKS

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

17
18 LESEAN TARUS COLLINS
19 NDOC No. 85039
20 c/o High Desert State Prison
21 P.O. Box 650
22 Indian Springs, NV 89018

23 BY


Employee, Clark County Public
Defender's Office