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Appellant,

VS.

Respondent.

Electronically Filed  
Feb 23 2011 08:36 a.m.  
Tracie K. Lindeman

Case No. 55716

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COMES NOW Appellant LESEAN TARUS COLLINS, by and through  
Deputy Public Defender, P. DAVID WESTBROOK, and moves this Honorable Court to  
grant a forty-five (45) day extension of time from Tuesday, February 22, 2011, through  
and including Friday, April 8, 2011, within which to file the Opening Brief in the above  
entitled case.

This Motion is based upon the attached declaration of counsel.

DATED this 22<sup>nd</sup> day of February, 2011.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By P. David Hestbrook

**P. DAVID WESTBROOK, #9278**  
Deputy Public Defender  
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. Through the course of my research, I discovered that my client was  
7 interviewed on video prior to trial, and that the video recording is relevant to the instant  
8 appeal. I was unable to locate a copy of the video in the defense trial file, so my  
9 secretary contacted the district court evidence vault. Unfortunately, the video is not in  
10 the court file either. I also contacted the District Attorney associated with the case to see  
11 if the video was turned over as part of discovery. He confirmed that defense counsel had  
12 seen the video. I have telephoned the defense attorney in this case, who is currently in  
13 Carson City working with the legislature. If she is unable to direct me to the video, I will  
14 send a discovery request to the State. I need to view the video before completing Mr.  
15 Collins opening brief.  
16

17                   3. As is his Sixth Amendment Right, my client has insisted on taking a  
18 very active role in the preparation of the instant appeal and wants to review his opening  
19 brief before it is filed. In order to accommodate his request, I have scheduled a final  
20 meeting with him at High Desert State Prison for Thursday, March 17<sup>th</sup> at 8:30 A.M. As  
21 the Court may know, scheduling meetings at High Desert State Prison is challenging  
22 because there is generally only one business day per week that the inmates are available.  
23 In Mr. Collins case, he is only available on Thursday mornings.  
24

25                   4. I have also scheduled, at Mr. Collins' request, a meeting with Attorney,  
26  
27  
28

1 Ivette Maningo. Ms. Maningo is the lawyer handling Mr. Collins' pending First Degree  
2 Murder case, 09C252804. My research has confirmed that there is a definite connection  
3 between the prosecution of the instant case and Collins' pending murder case. I will be  
4 meeting with Ms. Maningo on March 3<sup>rd</sup>. Among other things, I will be requesting  
5 permission from Ms. Maningo to view and copy portions of her file that are relevant to  
6 Mr. Collins' Opening Brief.  
7

8  
9 5. I am requesting a forty-five (45) day extension to complete Mr. Collins'  
10 opening brief. I realize this opening brief has been continued for a considerable period  
11 already, but Mr. Collins' pending murder trial has complicated my review of the issues in  
12 this case. The continuance will allow me to fully research Collins' murder case and  
13 accommodate his request to review his opening brief and review it in person prior to  
14 filing.  
15

16  
17 6. This request for an extension is made in good faith, and not for the  
18 purpose of delay. Mr. Collins was sentenced to a Life in Prison with the possibility of  
19 parole after 10 years, so this is a very serious case. It is my professional opinion that this  
20 extension is necessary to safeguard Mr. Collins' right to effective assistance of counsel  
21 and to participate in his own defense.  
22

23 I declare under penalty of perjury that the foregoing is true and correct to  
24 the best of my information and belief.  
25

26 EXECUTED on the 22<sup>nd</sup> day of February, 2011

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28 P. DAVID WESTBROOK

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**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 22<sup>nd</sup> day of February, 2011. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO  
STEVEN S. OWENS

P. DAVID WESTBROOK  
HOWARD S. BROOKS

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

LESEAN TARUS COLLINS  
NDOC No. 85039  
c/o High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89018

BY Cheryl Zusiaca  
Employee, Clark County Public  
Defender's Office