IN THE SUPREME COURT OF THE STATE OF NEVADA 1 2 3 WILLIAM P. CASTILLO, **Electronically Filed** 4 Jan 20 2011 03:58 p.m. Petitioner, Case No. 56176Tracie K. Lindeman 5 VS. 6 E.K. McDANIEL, Warden of Ely State Prison, and CATHERINE CORTEZ 7 MASTO, Attorney General of the State of Nevada, 8 Respondents. 9 10 REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S OPENING BRIEF (THIRD REQUEST) 11 Appellant William P. Castillo, through counsel, hereby requests an extension 12 of time of eleven days, to and including January 31, 2011, within which to file his opening 13 brief on appeal. SCR 250 (7)(d); NRAP 31 (b)(3). This is Mr. Castillo's third request for 14 an extension of time. This request is supported by the attached declaration of counsel. 15 Dated this 20th day of January, 2011. 16 Respectfully submitted, 17 FRANNY A. FORSMAN Federal Public Defender 18 GARY A. TAYLOR 19 Assistant Federal Public Defender Nevada Bar No. 11024C 20 gary taylor@fd.org 21 Attorney for Petitioner/Appellant 22 23 24 25 26 27

28

DECLARATION

- I, Gary Taylor, hereby declare as follows:
- 1. I am an attorney, admitted to the practice of law before this Court. I am employed as an Assistant Federal Public Defender in the Capital Habeas Unit of the Law Offices of the Federal Public Defender. I represent the appellant, William P. Castillo.
- 2. I was licensed by the State of Texas in 1986. I am board certified in criminal law. I am an Assistant Federal Defender and a supervisor in the Law Offices of the Federal Public Defender for the District of Nevada. Pursuant to SCR 49.11, I was admitted to limited practice before the Nevada state courts.
- 3. I am assigned to more than ten death penalty cases. I assist other attorneys in the investigation and preparation of petitions in death penalty cases.
- 4. The opening brief in Mr. Castillo's case is due on January 20, 2011. A request for an extension of time of eleven (11) days is sought, up to and including January 31, 2011. This is Mr. Castillo's third request for an extension of time in which to file his opening brief. No further requests for extensions of time will be sought.
- 5. I am diligent in my attempts to complete the opening brief. I was out of the office several days in December attending to family and other issues. I was required to be out of the office several days recently. However, I have attempted to meet this deadline by working weekends and evenings. A draft of the opening brief is almost complete but will require further editing and review to ensure its quality for this court.
- 6. This request is made in order to provide Mr. Castillo with competent representation, NRPC 1.1, and not for the purpose of delay or for any other improper purpose.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 20, 2011 in Las Vegas, Nevada.

Gary A. Taylor Attorney for Appellant

1 CERTIFICATE OF SERVICE 2 I hereby certify that this document was filed electronically with the Nevada 3 Supreme Court on the 20th day of January, 2011 Electronic Service of the foregoing 4 REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S 5 OPENING BRIEF (THIRD REQUEST) shall be made in accordance with the Master Service 6 List as follows: 7

Chief Deputy District Attorney

Catherine Cortez Masto Attorney General

> Katrina Manzi An employee of the Federal Public Defender's Office