IN THE SUPREME COURT OF THE STATE OF NEVADA 1 2 3 WILLIAM P. CASTILLO, **Electronically Filed** 4 Sep 01 2011 03:40 p.m. Petitioner, Case No. 56176Tracie K. Lindeman 5 Clerk of Supreme Court VS. 6 RENEE BAKER, Warden of Ely State Prison, and CATHERINE 7 CORTEZ-MASTO, Attorney General of the State of Nevada, 8 9 Respondents. 10 REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S REPLY BRIEF 11 Appellant William P. Castillo, through counsel, hereby requests an extension 12 of time of fourteen days, to and including Friday, September 16, 2011, within which to file 13 his reply brief on appeal. SCR 250 (7)(d); NRAP 31 (b)(3). This is Mr. Castillo's second 14 request for an extension of time for his reply brief. This request is supported by the attached 15 declaration of counsel. 16 Dated this 1st day of September, 2011. 17 Respectfully submitted. 18 RENE VALLARDARES Federal Public Defender 19 GARY A. TAYLOR 20 Assistant Federal Public Defender Nevada Bar No. 11031C 21 gary taylor@fd.org 22 Attorney for Petitioner/Appellant 23 24 25 26

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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, in this matter.
- 2. I was licensed as an attorney by the State of Texas in 1986. I am board certified in criminal law. I am employed as an Assistant Federal Defender and I am a supervisor in the Law Offices of the Federal Public Defender for the District of Nevada. Pursuant to SCR 49.11, I am admitted to limited practice before the Nevada state courts.
- 3. I represent Mr. Castillo and I am also assigned to more than ten death penalty cases. I assist other attorneys in the investigation and preparation of petitions for writs of habeas corpus for death penalty cases assigned to my office.
- 4. The reply brief in Mr. Castillo's case is currently due to be filed on September 2, 2011. A request for an extension of time of fourteen days is sought, up to and including Friday, September 16, 2011, in which to file Mr. Castillo's reply brief. This is Mr. Castillo's second request for an extension of time in which to file his reply brief.
- 5. My office was appointed to represent Patrick Charles McKenna who was convicted of First Degree Murder and sentenced to Death in Clark County. Mr. McKenna was originally convicted in 1980, but trials occurred in 1980, 1982 and 1996. He was represented by at least seven previous attorneys. I was responsible for the investigation and preparation of a petition for writ of habeas corpus in Mr. McKenna's case, which I filed in the United States District Court on July 19, 2011.
- 6. Mr. McKenna's habeas petition was a complicated undertaking which required my full attention. The petition exceeded two hundred pages and presented twenty-four claims with more than two hundred exhibits.

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- This office was appointed to represent Kitrich Powell by the United States District Court. Pursuant to this appointment, a state petition for writ of habeas corpus was filed in Nevada state court in an effort to exhaust issues and evidence. Although the Nevada District Court denied relief, the Nevada Supreme Court ordered argument which was held on July 6, 2011, and required additional supplements regarding the record in that case. I prepared a supplemental appendix and citations for the court and filed them on July 12, 2011. After the prosecutor objected to the supplemental appendix, I was required to brief an opposition to his motion to strike the supplemental appendix, which was filed on July 28, 2011.
- 8. I represent Kelly Rhyne, whose case is pending in the Nevada Supreme Court. The state District Court granted Mr. Rhyne's state petition for writ of habeas corpus and the prosecutor appealed. Mr. Rhyne's answering brief is due on September 7, 2011 and I am currently drafting this brief.
- 9. I am assisted by Melissa Franklin, a research and writing attorney in our offices. Ms. Franklin recently underwent surgery and was out of the office for more than a week. She has returned to work but still addresses medical issues.
- 10. This request is made in order to provide Mr. Castillo with competent representation, NRPC 1.1, and not solely 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 September 1, 2011, in Las Vegas, Nevada.

Gary A. Taylor Attorney for Appellant

CERTIFICATE OF SERVICE I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 1st day of September, 2011. Electronic Service of the foregoing REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S REPLY BRIEF shall be made in accordance with the Master Service List as follows: Steven S. Owens Chief Deputy District Attorney Catherine Cortez Masto Attorney General Katrina Manzi An employee of the Federal Public Defender's Office