

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

2
3 FRANKIE ALAN WATTERS,)
4)
5 Appellant,)
6 vs.)
7)
8 THE STATE OF NEVADA,)
9)
10 Respondent.)

Electronically Filed
Jan 03 2012 04:30 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
Case No. 59703

10 **APPELLANT’S MOTION FOR EXTENSION OF TIME**
11 **DUE TO MISSING TRANSCRIPT**

12 Comes Now Appellant FRANKIE ALAN WATTERS, by and through Deputy
13 Public Defender AUDREY M. CONWAY, and moves for a forty-five (45) day extension of
14 time from Tuesday, January 3, 2012 through and including Friday, February 17, 2012 within
15 which to file the Fast Track Statement in this case. This Motion is based upon the attached
16 Declaration of counsel.
17

18 DATED this 3rd day of January, 2012.

19 PHILIP J. KOHN
20 CLARK COUNTY PUBLIC DEFENDER

21
22 By E-File
23 AUDREY M. CONWAY, #5611
24 Deputy Public Defender
25 309 So. Third Street, Suite #226
26 Las Vegas, Nevada 89155-2610
27 (702) 455-4685
28

1 **DECLARATION OF AUDREY M. CONWAY**

2 1. I am an attorney licensed to practice law in the State of Nevada; I am a deputy
3 public defender assigned to handle the appeal of this matter; I am familiar with the procedural
4 history of this case.
5

6 2. Our office filed the Notice of Appeal in this matter on November 15, 2011.
7 This case is governed by the provisions of NRAP 3C, which requires the Appellant to file a Fast
8 Track Statement 40 days after the filing of the Notice of Appeal.

9 3. I filed a Request for Rough Draft Transcripts on November 15, 2011. The
10 reporter/recorders received the request on November 15, 2011. NRAP Rule 3C required the
11 reporter to produce the rough draft transcript by Monday, December 5, 2011.
12

13 4. The original intent of NRAP 3C was to allow court reporters twenty days to
14 file all requested transcripts, and allow trial counsel twenty days thereafter to file the fast track
15 statement. In many cases counsel does not receive the transcripts for at least 5-7 days after they
16 are filed.
17

18 5. As of this morning, January 3, 2012, I had only received 7 of 9 requested
19 transcripts. The transcript(s) of May 16, 2011 and May 25, 2011 were still outstanding.
20 However, the appellate secretary conducted a review of Odyssey and determined that the
21 transcripts were in fact filed. She obtained a copy of said transcripts and the Appendix has been
22 compiled and will be Bates stamped this week. Accordingly, I am requesting an extension of
23 time within which to prepare and file the instant Fast Track Statement.
24

25 6. This is the first request for extension in this matter.

26 ///

27 ///

28 ///

1 7. This Motion for Extension is made in good faith and not for the purpose of
2 delay.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 EXECUTED on the 3rd day of January, 2012.

5
6 *E-File*

7 _____
AUDREY M. CONWAY

8
9
10 **CERTIFICATE OF SERVICE**

11 I hereby certify that this document was filed electronically with the Nevada
12 Supreme Court on the 3rd day of January, 2012. Electronic Service of the foregoing document
13 shall be made in accordance with the Master Service List as follows:

14
15 CATHERINE CORTEZ MASTO
STEVEN S. OWENS

AUDREY M. CONWAY
HOWARD S. BROOKS

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

19 FRANKIE ALAN WATTERS
20 c/o High Desert State Prison
21 P.O. Box 650
Indian Springs, NV 89018

22
23 BY _____

Carly
Employee, Clark County Public
Defender's Office