Electronically Filed May 07 2013 04:04 p.m. Tracie K. Lindeman Clerk of Supreme Court

# 1 2

### 

## 

## 

#### 

#### 

#### **DECLARATION OF NANCY L. LEMCKE**

- 1. I am an attorney licensed to practice law in the State of Nevada; I am a deputy public defender assigned to handle the appeal of this matter; I am familiar with the procedural history of this case.
- 2. This appeal arises from a multiple-count Sexual Assault on a Minor case. Appellant was convicted of 36 sex-related offenses for which he received numerous life sentences.
- 3. As currently constituted, the Appendix consists of over 1400 pages. Based on my review of the case to date, it appears that the instant appeal will involve complex and, in some cases, constitutionally significant issues. As set forth in my first Motion to Enlarge Time, those issues include, but are not limited to: the propriety of the prosecutor's excusal of minority panelists from the jury venire; the trial court's refusal to allow the defense to present certain evidence critical to the defense case theory: the trial court's refusal to issue a pre-trial ruling precluding use of the term 'victim' and precluding de facto expert testimony by investigating officers; the trial court's refusal to declare a mistrial following the revelation that the complainant, an illegal immigrant, was receiving a benefit in the form of a special visa granted crime victims.
- 4. This case represents the fifth case in which I have had a briefing submission due within the last 45 days. Within approximately the last month I have filed briefs in State v. White, Nev. Sup. Ct. Case No. 61880 (reply brief); State v. Vazquez. Nev. Sup. Ct. Case No. 62269; and State v. Fast, Nev. Sup. Ct. Case No. 62325. I have another brief I am preparing for submission on Monday, May 13, 2013, in State v. Adamson, Nev. Sup. Ct. Case No. 62563. I elected to prepare the above-referenced cases before the instant matter given that the instant case involves a rather voluminous lower court record, multiple life-sentence offenses, and several complex issues and, as such, will take a greater time to review, research, and brief.

1	5. Regretfully, due to the number of briefing submissions due within a relatively short
2	period of time, I have been unable to timely complete the instant Opening Brief. I am mindful
3	of this Honorable Court's disdain for delays in briefing submissions. Due to the voluminous
5	lower court record as well as the complex nature of the case and severity of the offenses of
6	which Appellant was convicted, I am requesting an additional forty-five (45) days within which
7	to file the instant Opening Brief.
8	6. This Motion for Extension is made in good faith and not for the purpose of delay.
9	I declare under penalty of perjury that the foregoing is true and correct.
10	EXECUTED on the 7 <sup>th</sup> day of May, 2013.
11   12	
13	/s/ Nancy L. Lemcke NANCY L. LEMCKE
14	
15	CERTIFICATE OF SERVICE
16	I hereby certify that this document was filed electronically with the Nevada
17	Supreme Court on the 7 <sup>th</sup> day of May, 2013. Electronic Service of the foregoing document shall
18 19	be made in accordance with the Master Service List as follows:
20	CATHERINE CORTEZ MASTO STEVEN S. OWENS  NANCY L. LEMCKE HOWARD S. BROOKS
21	
22	I further certify that I served a copy of this document by mailing a true and
23	correct copy thereof, postage pre-paid, addressed to:
24	GUILLERMO RENTERIA-NOVOA NDOC No. 1092343
25 26	c/o High Descrt State Prison P.O. Box 650
27	Indian Springs, NV 89018
28	BY <u>/s/ Carrie M. Connolly</u> Employee, Clark County Public Defender's Office