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Respondent.

Docket 61865 Document 2013-19931

**DECLARATION OF NANCY L. LEMCKE**

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2           1. I am an attorney licensed to practice law in the State of Nevada; I am a  
3 deputy public defender assigned to handle the appeal of this matter; I am familiar with the  
4 procedural history of this case.  
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6           2. The instant appeal arises from a multiple-count Sexual Assault on a Minor  
7 Case. Appellant was convicted of 36 sex-related offenses for which he received numerous  
8 life sentences.

9           3. As currently constituted, the Appendix consists of over 1400 pages. The  
10 instant appeal involves complex and, in some cases, constitutionally significant issues. Those  
11 issues include, but are not limited to: the propriety of the prosecutor's excusal of minority  
12 panelists from the jury venire; the trial court's refusal to allow the defense to present certain  
13 evidence critical to the defense case theory; the trial court's refusal to suppress Appellant's  
14 statement to interrogating detectives; the trial court's refusal to issue a pre-trial ruling  
15 precluding use of the term 'victim'; and the trial court's refusal to declare a mistrial following  
16 the revelation that the complainant, an illegal immigrant, was receiving a benefit in the form  
17 of a special visa granted crime victims.  
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20           4. The instant brief is very near completion. However, I have not quite  
21 finalized it for submission with this Honorable Court. Several of the issues prosecuted were  
22 far more time consuming to brief than I anticipated, as they involve challenges to this Court's  
23 prevailing authority governing certain aspects of child sex offenses, namely jury instructions.  
24 The arguments in this regard challenge the propriety of giving witness-specific instructions  
25 guiding the jury's consideration of young witnesses in sex cases; then, amongst other things,  
26 challenge the specific language used in each instruction, both individually and collectively, as  
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1 undermining the prosecution's proof burden. This is but one example of the unanticipated  
2 complexities involved in prosecuting the instant appeal. There are others. For example,  
3 prosecutors charged 36 sex offenses. Most of the offenses involve clusters of charges arising  
4 from single episodes. The complaining witness provided little details regarding episodes  
5 beyond describing the different places she lived when certain of the acts occurred, and  
6 describing the acts themselves – then adding that the defendant repeated the described  
7 conduct on certain occasions. This has made it difficult to match each charged offense to the  
8 acts described at trial in an attempt to ascertain whether prosecutors presented sufficient  
9 testimony to sustain each conviction. And then each cluster of charges gives rise to  
10 redundancy issues. And those issues are complicated by the trial court's refusal to provide a  
11 *Crowley* instruction guiding the jury's determination of whether multiple convictions arising  
12 from single episodes are warranted.

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15           5. As a natural corollary to the above, the instant brief is long. This makes the  
16 editorial process very time consuming. Since brevity is not one of my strong points, I am  
17 rigorously editing the instant brief in an attempt to comply with this Honorable Court's page  
18 limit requirements.

19  
20           6. I believe that the issues prosecuted in the instant appeal are compelling and  
21 have the potential to impact the manner in which child sex offenses are litigated.  
22 Accordingly, I am requesting a seven (7) day enlargement of time within which to finalize the  
23 instant brief for submission with this Honorable Court.

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

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

EXECUTED on the 8<sup>th</sup> day of July, 2013.

/s/ Nancy L. Lemcke  
NANCY L. LEMCKE

## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 8<sup>th</sup> day of July, 2013. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO	NANCY L. LEMCKE
STEVEN S. OWENS	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:

GUILLERMO RENTERIO-NOVOA  
NDOC No. 1092343  
c/o High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89018

BY /s/ Carrie M. Connolly  
Employee, Clark County Public  
Defender's Office