IN THE SUPREME COURT OF THE STATE OF NEVADA 1 2 3 GUILLERMO RENTERIO-NOVOA, Electronically Filed 4 Jul 19 2013 09:14 a.m. 5 Tracie K. Lindeman Appellant, Case NG lerik of Supreme Court 6 VS. 7 8 THE STATE OF NEVADA, 9 Respondent. 10 11 APPELLANT'S MOTION FOR LEAVE TO FILE 12 OPENING BRIEF IN EXCESS OF TYPE-VOLUME LIMITATION 13 Comes Now Appellant, GUILLERMO RENTERIO-NOVOA, by and 14 through Deputy Public Defender, NANCY L. LEMCKE, and moves this 15 16 Honorable Court for leave to file an Opening Brief in excess of type-volume 17 limitations. This Motion is based upon the attached Declaration of Counsel. 18 19 DATED THIS 18th day of July, 2013. 20 PHILIP J. KOHN 21 CLARK COUNTY PUBLIC DEFENDER 22 23 /s/ Nancy L. Lemcke By:__ NANCY L. LEMCKE, #5416 Deputy Public Defender 24 25 26 27 28

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 represent GUILLERMO RENTERIO-NOVOA in this appeal; I am familiar with the procedural history of this case.
- 2. A jury convicted Appellant of 36 sex offenses for which he received numerous sentences of Life in the Nevada Department of Prisons.
- 3. The instant Appendix consists of over 1400 pages. The instant appeal involves numerous complex and, in some cases, constitutionally significant issues. 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 theory; the trial court's refusal to suppress Appellant's statement to interrogating detectives; the trial court's refusal to issue a pre-trial ruling precluding use of the term 'victim'; the propriety of certain vagaries in the Information; the admission of bad act evidence; the trial court's refusal to declare a mistrial following the revelation that the complainant received a special visa granted crime victims, and the propriety of a numerous jury instructions.
- 4. Issues relating to the vagaries in the Information, the sufficiency of the evidence presented at trial, and the propriety of often-given instructions in sex cases required extensive briefing. Matching 36 counts alleging repetitive conduct

occurring over a 5 year time frame with the testimony presented at trial proved exceedingly difficult to analyze and brief with any measure of brevity. Likewise, attacking as improper jury instructions that have become standard practice in sexual assault cases involved rather complex and lengthy briefing. And *Batson* challenges such as that prosecuted here, because of the required analysis, necessarily involve more extensive briefing. Accordingly, effective prosecution of these and many of the other claims described above required briefing in excess of the limit(s) otherwise allowed by this Honorable Court.

5. Thus, I am requesting leave to file an Opening Brief in excess of the limits otherwise allowed by this Honorable Court.

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

EXECUTED on the 18th day of July, 2013.

/s/ Nancy L. Lemcke
NANCY L. LEMCKE

1	CERTIFICATE OF COMPLIANCE
2	1. I hereby certify that the Opening Brief complies with the
3	
4	formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP
5	32(a)(5) and the type style requirements of NRAP 32(a)(6) because:
6	The Opening Brief has been prepared in a proportionally spaced
7	
8	typeface using Times New Roman in 14 size font.
9	2. I further certify that the Opening Brief is proportionately spaced,
10	
11	has a typeface of 14 points or more, however it contains 20,942 words and 2,190
12	lines of text which exceeds the limitations set forth in NRAP 32(a)(7).
13	DATED this 18 th day of July, 2013.
14	
15	PHILIP J. KOHN CLARK COUNTY PUBLIC DEFENDER
16	
17	
18	
19	By <u>/s/ Nancy L. Lemcke</u> NANCY L. LEMCKE, #5416
20	Deputy Public Defender

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 18th 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

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 <u>/s/ Carrie M. Connolly</u>
Employee, Clark County Public
Defender's Office