1 IN THE SUPREME COURT OF THE STATE OF NEVADA 2 3 JAMES DAEVON MANNING, Electronically Filed 4 Oct 13 2014 02:51 p.m. Appellant, 5 Tracie K. Lindeman Case No Clerk of Supreme Court 6 VS. 7 THE STATE OF NEVADA. 8 Respondent. 9 10 APPELLANT'S MOTION FOR EXTENSION OF TIME 11 DUE TO MISSING TRANSCRIPTS 12 Comes Now Appellant JAMES DAEVON MANNING, by and through Deputy 13 Public Defender WILLIAM M. WATERS, and moves for a forty-five (45) day extension of time 14 from Tuesday, October 14, 2014, through and including Monday, December 1, 2014, within 15 16 which to file the Fast Track Statement in this case. This Motion is based upon the attached 17 Declaration of counsel. 18 DATED this 13th day of October, 2014. 19 PHILIP J. KOHN 20 CLARK COUNTY PUBLIC DEFENDER 21 22 /s/ William M. Waters 23 WILLIAM M. WATERS, #9456 Deputy Public Defender 24 309 So. Third Street, Suite #226 25 Las Vegas, Nevada 89155-2610

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DECLARATION OF WILLIAM M. WATERS

- 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. Our office filed the Notice of Appeal in this matter on June 11, 2014. This case is governed by the provisions of NRAP 3C, which require the Appellant to file a Fast Track Statement 40 days after the filing of the Notice of Appeal. Accordingly, the instant Fast Track Statement was due to be filed no later than Tuesday, June 22, 2014.
- 3. I filed a Request for Rough Draft Transcripts on June 11, 2014. The reporter received the request on June 11, 2014. NRAP Rule 3C required the reporter to produce the rough draft transcript by July 1, 2014.
- 4. The original intent of NRAP 3C was to allow court reporters twenty days to file all requested transcripts, and allow trial counsel twenty days thereafter to file the fast track statement. In many cases counsel does not receive the transcripts for at least 5-7 days after they are filed.
- 5. On August 1, 2014 this Honorable Court filed an order directing court reporter Howard's certificate of delivery due in 14 days. Court Reporter Howard filed a request for extension which this Honorable Court granted allowing until September 13, 2014 to file the requested transcripts.
- 6. On October 10, 2014 this Honorable Court filed an order imposing sanctions allowing Ms. Howard until October 21, 2014 to file the requested transcripts.
- 7. The transcripts of 01/13/14, 01/14/14, 01/15/14, 02/04/14, and 03/20/14 are still outstanding. Three of the transcripts are trial transcripts. Accordingly, I am requesting a

1	forty-five day extension of time within which to prepare and file the instant Fast Trac
2	Statement. The forty-five day number constitutes a guess regarding when the court reported
3	actually prepares the transcripts and allows sufficient time after that for the review of the recor
5	and the writing of the Fast Track Statement.
6	8. This Motion for Extension is made in good faith and not for the purpose of
7	delay.
8	I declare under penalty of perjury that the foregoing is true and correct.
9	EXECUTED on the 13 th day of October, 2014.
10	/s/ William M. Waters
11 12	WILLIAM M. WATERS
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14	<u>CERTIFICATE OF SERVICE</u>
15	I hereby certify that this document was filed electronically with the Nevad
16	Supreme Court on the 13 th day of October, 2014. Electronic Service of the foregoing document
17	shall be made in accordance with the Master Service List as follows:
18	CATHERINE CORTEZ MASTO WILLIAM M. WATERS
19	STEVEN S. OWENS HOWARD S. BROOKS
20	I further certify that I served a copy of this document by mailing a true and
21	correct copy thereof, postage pre-paid, addressed to:
22	JAMES DAEVON MANNING
23	NDOC No. 1030247 c/o-High Desert State Prison
24	P.O. Box 650
25	Indian Springs, NV 89018
26	BY <u>/s/ Carrie M. Connolly</u> Employee, Clark County Public
27	Defender's Office