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Respondent.

Docket 65856 Document 2014-39099

DECLARATION OF WILLIAM M. WATERS

1
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 June 11, 2014. This
7 case is governed by the provisions of NRAP 3C, which require the Appellant to file a Fast Track
8 Statement 40 days after the filing of the Notice of Appeal.

9 3. I filed a Request for Rough Draft Transcripts on June 11, 2014. The reporter
10 received the request on June 11, 2014. NRAP Rule 3C required the reporter to produce the
11 rough draft transcript by July 1, 2014.
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. On August 1, 2014 this Honorable Court filed an order directing court reporter
19 Howard's certificate of delivery due in 14 days. Court Reporter Howard filed a request for
20 extension which this Honorable Court granted allowing until September 13, 2014 to file the
21 requested transcripts.
22

23 6. On October 10, 2014 this Honorable Court filed an order imposing sanctions
24 allowing Ms. Howard until October 21, 2014 to file the requested transcripts.

25 7. Our office filed a Motion for Extension on October 13, 2014 and this
26 Honorable Court entered its order allowing an extension until December 1, 2014.
27
28

1 8. As of today, December 1, 2014, the transcripts of 01/13/14, 01/14/14,
2 01/15/14, 02/04/14, and 03/20/14 are still outstanding. Three of the transcripts are trial
3 transcripts. Accordingly, I am requesting a forty-five day extension of time within which to
4 prepare and file the instant Fast Track Statement. The forty-five day number constitutes a guess
5 regarding when the court reporter actually prepares the transcripts and allows sufficient time
6 after that for the review of the record and the writing of the Fast Track Statement.
7

8 9. This Motion for Extension is made in good faith and not for the purpose of
9 delay.
10

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

12 EXECUTED on the 1st day of December, 2014.

13 /s/ William M. Waters
14 WILLIAM M. WATERS

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that this document was filed electronically with the Nevada
17 Supreme Court on the 1st day of December, 2014. Electronic Service of the foregoing document
18 shall be made in accordance with the Master Service List as follows:

19 CATHERINE CORTEZ MASTO WILLIAM M. WATERS
20 STEVEN S. OWENS HOWARD S. BROOKS

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

23 JAMES DAEVON MANNING
24 NDOC No. 1030247
25 c/o High Desert State Prison
26 P.O. Box 650
Indian Springs, NV 89018

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