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Respondent.

Docket 65856 Document 2015-01440

DECLARATION OF WILLIAM M. WATERS

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

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 8. As of December 1, 2014, I was still missing the transcripts of 01/13/14,
28 01/14/14, 01/15/14, 02/04/14, and 03/20/14. Three of the transcripts were trial transcripts.

9. On December 12, 2014, appellate staff checked Odyssey and the final five transcripts were scanned into the system.

10. Appellate staff printed the final five transcripts and incorporated them into the Appendix. The Appendix was then compiled, Bates stamped and copied.

11. Declarant received a copy of the completed appendix on January 9, 2015.

12. Declarant is in the process of completing a review of the appendix and will begin his draft of the Fast Track Statement this week.

13. Accordingly, declarant is requesting an extension of forty-five (45) to finalize his review of the record and writing of the Fast Track Statement.

14. 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 14th day of January, 2015.

/s/ William M. Waters
WILLIAM M. WATERS

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

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

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