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3 **DECLARATION OF DEBORAH L. WESTBROOK**

4 1. I am an attorney licensed to practice law in the State of Nevada; I
5 am a deputy public defender assigned to handle the appeal of this matter; I am
6 familiar with the procedural history of this case.
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8 2. On June 2, 2014, the District Court filed a Judgment of Conviction
9 against Steven Farmer in consolidated case nos. C245739 and C249693. I filed
10 a Notice of Appeal on June 20, 2014 and requested all transcripts in the
11 consolidated cases on July 17, 2014.
12

13 3. Mr. Farmer's case is highly complex, involving five (5) female
14 patients of Centennial Hills Hospital who testified that Mr. Farmer used his
15 position as a CNA to sexually victimize them during their respective hospital
16 stays. After trial, Mr. Farmer received three consecutive 10-to-life sentences for
17 sexual assault.
18

19 4. In early October 2014, I received a copy of the Appendix in this case
20 from my clerk. Because this case spanned six (6) years (2008-2014) and
21 involved a sixteen (16) day jury trial, the Appendix was voluminous, and
22 currently consists of fourteen (14) volumes and nearly 3,000 pages.
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24 5. As the Opening Brief was originally due just weeks later, on
25 October 24, 2014, and I was scheduled to be out of the office for two weeks of
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1 FMLA leave between October 21 and November 4, 2014, I obtained a standard
2 stipulated 30-day extension of time to submit my Opening Brief, which is
3 presently due on November 24, 2014.
4

5 6. After returning from FMLA leave, I finished preparing a lengthy
6 draft Opening Brief in Supreme Court Case No. 65724 (*Michael Colvin v. State*
7 *of Nevada*). Because Mr. Colvin's appeal was filed a month earlier than Mr.
8 Farmer's appeal, and because I had already obtained two extensions of time to
9 submit Mr. Colvin's Opening Brief, I needed to finish working on that case
10 before I could turn to Mr. Farmer's appeal.
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13 7. I began reviewing the voluminous Appendix in Mr. Farmer's case at
14 the beginning of this week. As of today's date, I have only reviewed five (5) out
15 of the fourteen (14) volumes and I have not even begun to review the trial
16 transcripts. I have not started researching or preparing the Opening Brief. I
17 would be patently ineffective if required to submit an Opening Brief on
18 November 24, 2014.
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22 8. While reviewing the Appendix, I noticed that several Justice Court
23 appearances were neither transcribed nor included in the bindover. It is my
24 understanding that defense counsel made objections and motions during at least
25 two of these court appearances, so I need to have them transcribed to evaluate
26 potential appellate issues in order to provide effective assistance of counsel to my
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28

1 client. Today, I filed a Request for Certified Transcripts of these Justice Court
2 appearances. See Exhibit A. Pursuant to NRAP 9(b)(1)(a), court reporters have
3 thirty (30) days to prepare the requested transcripts, which means the transcripts
4 may not be available until December 21, 2014. Accordingly, I need an extension
5 of time to obtain the transcripts and determine whether and to what extent they
6 may affect the issues on appeal.
7

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9 9. In my file review, I also found that this case was related to three
10 previously-filed Justice Court cases: Case No. 08F13671X, Case No.
11 08F11334X, and Case No. 08F11714X, two of which were specifically
12 referenced by counsel during the preliminary hearing in this case. At the
13 preliminary hearing, defense counsel mentioned "motions" that she "formally
14 filed" in these cases, which related to an argument she was making at the
15 preliminary hearing, so I need to obtain the Justice Court records in order to
16 effectively represent Mr. Farmer on appeal.
17

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19 10. Earlier this week, I asked my assistant Carrie to contact the Justice
20 Court to obtain the complete files from these three 2008 cases. However, in
21 response to her request, all we received from the Justice Court were the minutes –
22 no documents, motions, or transcripts. Thus, we need time to follow up with the
23 Justice Court to find out what happened to the contents of these files.
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1 11. In the meantime, I have submitted six (6) *Ex Parte* Orders for
2 Transcript to the three Justice Court Departments involved, in order to obtain
3 copies of the transcripts from these 2008 cases. See Exhibit B. Due to the
4 upcoming Thanksgiving Holiday, my assistant does not expect these Orders to be
5 signed until the first week of December, at the earliest. After that, my assistant
6 will need to send the Orders to the five (5) different court reporters who were
7 involved in these cases. Two (2) of the court reporters no longer work for the
8 Eighth Judicial District Court and have relocated out of state. It is also likely that
9 one or more of the court reporters will be on vacation in December. Thus, we do
10 not expect to obtain the necessary transcripts until January 2015.

11 12. An extension is also necessary so that I can travel to Ely, Nevada to
12 visit my client and discuss his highly complex case with him in person. My
13 client has requested a face-to-face meeting and intends to be greatly involved in
14 the appellate process. However, due to prior commitments throughout the
15 month of December, I am unable to schedule this trip until January of 2015 at the
16 earliest.

17 13. In my professional opinion, a **ninety-day** extension of time is
18 necessary in order to safeguard Mr. Farmer's Sixth Amendment right to the
19 effective assistance of counsel, and his 5th and 14th Amendment rights to due
20

1 process. Therefore, I am requesting a **90-day** extension of time to file my
2 Opening Brief and Appendix, up to and including **February 23, 2015**.

3
4 14. This Motion for Extension is made in good faith and not for the
5 purpose of delay.

6
7 I declare under penalty of perjury that the foregoing is true and
8 correct.

9
10 EXECUTED on the 21st day of November, 2014.

11 /s/ Deborah L. Westbrook
12 DEBORAH L. WESTBROOK

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that this document was filed electronically with the
15 Nevada Supreme Court on the 21st day of November, 2014. Electronic Service of
16 the foregoing document shall be made in accordance with the Master Service List
17 as follows:
18

19
20 CATHERINE CORTEZ MASTO
21 STEVEN S. OWENS

DEBORAH L. WESTBROOK
HOWARD S. BROOKS

22 I further certify that I served a copy of this document by mailing a
23 true and correct copy thereof, postage pre-paid, addressed to: STEVEN DALE
24 FARMER, NDOC No: 1121584, c/o High Desert State Prison, P.O. Box 650,
Indian Springs, NV 89018

25 BY /s/ Carrie M. Connolly
26 Employee, Clark County Public
27 Defender's Office
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EXHIBIT A

Deborah Westbrook

From: efiling@nvcourts.nv.gov
Sent: Friday, November 21, 2014 11:57 AM
To: Deborah Westbrook
Subject: Your filing, Re: 65935 - Criminal Appeal - Transcript Request, was filed subject to acceptance No. 65935.

RECEIPT OF ELECTRONIC DOCUMENT SUBMITTED FOR FILING

Docket Number: 65935
Case Category: Criminal Appeal
Submitted by: Deborah L Westbrook
Date Submitted: Nov 21 2014 11:57 a.m.
Document Category: Transcript Request
Document Title: Request for Certified Transcripts
Filing Status: Filed subject to acceptance

This notice was automatically generated by the electronic filing system. Do not respond to this email. If you have any questions, contact the Nevada Supreme Court Clerk's office at 775-684-1600 or 702-486-9300.

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 _____
3 STEVEN DALE FARMER,) Sup. Ct. No. 65935
4 Appellant,) District Court No. C249693
5 v.)
6 THE STATE OF NEVADA,)
7 Respondent.)

8 APPELLANT'S REQUEST FOR CERTIFIED TRANSCRIPT OF PROCEEDINGS

9 TO: Christa Broka, Court Recorder
10 Justice Court, Dept. 8
11 200 Lewis Avenue
12 Las Vegas, NV 89101

13 G. Delucca, Court Reporter
14 Justice Court, Dept. 8
15 200 Lewis Avenue
16 Las Vegas, NV 89101

17 Appellant, STEVEN DALE FARMER requests preparation, at
18 State expense, of a transcript of the proceedings before the
19 District Court, as follows:

20 Judge hearing the proceeding: Ann Zimmerman.

21 Date or dates of proceeding: 05/21/08, 06/04/08,
22 06/17/08.

23 Portions of the transcript requested: 05/21/08, 06/17/08
24 (Christa Broka) - Any and all proceedings, all transcripts to
25 include word index; 06/04/08 (G. DeLucca) - Any and all
26 proceedings, all transcripts to include word index.

27 Number of copies required: Two.

28 I hereby certify that on this date I ordered this
transcript from the court reporter named above. I further certify

1 that Appellant is indigent and exempt from paying the required
2 deposit.

3 EXECUTED on the 21st day of November, 2014.

4 PHILIP J. KOHN
5 CLARK COUNTY PUBLIC DEFENDER

6 By: /s/ Deborah L. Westbrook
7 DEBORAH L. WESTBROOK, #9285
8 Deputy Public Defender
9 309 S. Third Street, Ste. 226
10 Las Vegas, Nevada 89155
11 (702) 455-4685
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 21st day of November, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO
STEVEN S. OWENS

DEBORAH L. WESTBROOK
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:

Christa Broka,
Court Reporter
Justice Court, Dept. 8
200 Lewis Avenue
Las Vegas, NV 89101

G. DeLucca,
Court Reporter
Justice Court, Dept. 8
200 Lewis Avenue
Las Vegas, NV 89101

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

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EXHIBIT B

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 JUSTICE COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,)
11)
12 Plaintiff,) CASE NO. 08F11714x
13)
14) DEPT. NO. 8
15 STEVEN DALE FARMER,)
16)
17 Defendant.)
18 _____

19 EX PARTE ORDER FOR TRANSCRIPT


20 Upon the ex parte application of the above-named Defendant, STEVEN DALE
21 FARMER, by and through, DEBORAH L. WESTBROOK, Deputy Public Defender, and good
22 cause appearing therefor,

23 IT IS HEREBY ORDERED that the certified court reporter Christa Broka, prepare
24 at State expense, a transcript of the proceedings for case 08F11714x heard on 06/11/08, 06/26/08,
25 06/30/08, 07/01/08, in Justice Court, Department 8.

26 DATED this 21st day of November, 2014.

27 JUSTICE OF THE PEACE

28 Submitted by:
PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By 
DEBORAH L. WESTBROOK, #9285
Deputy Public Defender

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 JUSTICE COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

CASE NO. 08F11334x

DEPT. NO. 5

12 STEVEN DALE FARMER,

13 Defendant.

14 EX PARTE ORDER FOR TRANSCRIPT


15 Upon the ex parte application of the above-named Defendant, STEVEN DALE
16 FARMER, by and through, DEBORAH L. WESTBROOK, Deputy Public Defender, and good
17 cause appearing therefor,

18 IT IS HEREBY ORDERED that the certified court reporter D. Green, prepare at
19 State expense, a transcript of the proceedings for case 08F11334x heard on 06/04/08 in Justice
20 Court, Department 5.

21 DATED this 21st day of November, 2014.

22 JUSTICE OF THE PEACE

23 Submitted by:
24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

26 By 
27 DEBORAH L. WESTBROOK, #9285
28 Deputy Public Defender

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 JUSTICE COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

CASE NO. 08F11334x

DEPT. NO. 5

12 STEVEN DALE FARMER,

13 Defendant.

14 EX PARTE ORDER FOR TRANSCRIPT


15 Upon the ex parte application of the above-named Defendant, STEVEN DALE
16 FARMER, by and through, DEBORAH L. WESTBROOK, Deputy Public Defender, and good
17 cause appearing therefor,

18 IT IS HEREBY ORDERED that the certified court reporter G. Deluca, prepare at
19 State expense, a transcript of the proceedings for case 08F11334x heard on 06/19/08 and 07/02/08
20 in Justice Court, Department 5.

21 DATED this 21st day of November, 2014.

22 JUSTICE OF THE PEACE

23 Submitted by:
24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

26 By 
27 DEBORAH L. WESTBROOK, #9285
28 Deputy Public Defender

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 JUSTICE COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

CASE NO. 08F13671x

DEPT. NO. VII

12 STEVEN DALE FARMER,

13 Defendant.

14 EX PARTE ORDER FOR TRANSCRIPT


15 Upon the ex parte application of the above-named Defendant, STEVEN DALE
16 FARMER, by and through, DEBORAH L. WESTBROOK, Deputy Public Defender, and good
17 cause appearing therefor,

18 IT IS HEREBY ORDERED that the certified court reporter G. Deluca, prepare at
19 State expense, a transcript of the proceedings for case 08F13671x heard on 08/01/08 in Justice
20 Court, Department 7.

21 DATED this 21st day of November, 2014.

22 JUSTICE OF THE PEACE

23 Submitted by:
24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

26 By 
27 DEBORAH L. WESTBROOK, #9285
28 Deputy Public Defender

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 JUSTICE COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,)	
11 Plaintiff,)	CASE NO. 08F13671x
12)	
13 STEVEN DALE FARMER,)	DEPT. NO. VII
14 Defendant.)	

15 EX PARTE ORDER FOR TRANSCRIPT

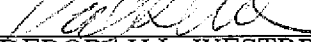
16 Upon the ex parte application of the above-named Defendant, STEVEN DALE
17 FARMER, by and through, DEBORAH L. WESTBROOK, Deputy Public Defender, and good
18 cause appearing therefor,

19 IT IS HEREBY ORDERED that the certified court reporter Shawn Ott, prepare at
20 State expense, a transcript of the proceedings for case 08F13671x heard on 07/15/08 in Justice
21 Court, Department 7.

22 DATED this 21st day of November, 2014.

23 JUSTICE OF THE PEACE

24 Submitted by:
25 PHILIP J. KOHN
26 CLARK COUNTY PUBLIC DEFENDER

27 By 
28 DEBORAH L. WESTBROOK, #9285
Deputy Public Defender

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 JUSTICE COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

CASE NO. 08F13671x

DEPT. NO. VII

12 STEVEN DALE FARMER,
13 Defendant.

14 EX PARTE ORDER FOR TRANSCRIPT


15 Upon the ex parte application of the above-named Defendant, STEVEN DALE
16 FARMER, by and through, DEBORAH L. WESTBROOK, Deputy Public Defender, and good
17 cause appearing therefor,

18 IT IS HEREBY ORDERED that the certified court reporter Kim Hancock, prepare
19 at State expense, a transcript of the proceedings for case 08F13671x heard on 07/21/08, 09/03/08,
20 09/25/08 in Justice Court, Department 7.

21 DATED this 21st day of November, 2014.

22 JUSTICE OF THE PEACE

23 Submitted by:
24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

26 By 
27 DEBORAH L. WESTBROOK, #9285
28 Deputy Public Defender