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Appellant,

vs.

Respondent.

Electronically Filed
Feb 19 2015 08:34 a.m.
Tracie K. Lindeman
Case No. 65908
Clerk of Supreme Court

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Comes Now Appellant MATTHEW WASHINGTON, by and through Deputy Public Defender SHARON G. DICKINSON, and moves for an eighty (80) day extension of time from Wednesday, February 18, 2015, through and including Monday, May 11, 2015, within which to file the Opening Brief in this case. This Motion is based upon the attached Declaration of counsel.

DATED this 18th day of February, 2015.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Sharon G. Dickinson
SHARON G. DICKINSON, #3710
Deputy Public Defender
309 So. Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685

DECLARATION OF SHARON G. DICKINSON

1
2 1. I am an attorney licensed to practice law in the State of Nevada; I am a
3
4 deputy public defender assigned to handle the appeal of this matter; I am familiar with
5 the procedural history of this case.

6 2. On 06/18/14, at the time of Mr. Washington's sentencing, his private
7
8 counsel withdrew and the Clark County Public Defender's Office was directed to handle
9 his appeal. On 06/27/14, the court filed the Judgment.

10 3. Two notices of appeal were filed: (1) on 06/30/14, Mr. Washington filed
11
12 a pro per notice of appeal in district court, and (2) on 07/17/14, our office filed a notice
13 of appeal.

14 4. The Opening Brief was initially due on 11/17/14 but a continuance by
15
16 way of stipulation was granted, making the Opening Brief due 12/18/14.

17 5. Upon receiving my request for an extension on 12/18/14, this Honorable
18
19 Court granted a 60 day extension. The reasons for the continuance were several,
20
21 included problems obtaining Mr. Washington's entire file from his private attorney. As
22
23 addressed in the prior request, I did not learn we had not received the entire file from
24
25 private counsel until approximately the beginning of November. This was a 9 day trial
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27 and the appendix currently contains 2055 pages, without any exhibits added. Almost 300
28
exhibits were introduced during the trial and penalty hearing. Approximately 23
witnesses testified. This case involved two trials and one penalty hearing for one murder
count. The second trial was a case of possession of a firearm by an ex-felon.

1 6. As addressed in my last request for an extension, Mr. Washington had
2 no contact with me even though I sent several requests asking him to call. Because of
3 this, in the beginning of January 2015, I asked an investigator from our office to arrange
4 a visit for me with Mr. Washington at High Desert Prison. The investigator arranged the
5 visit for February. I was finally able to visit Mr. Washington on 02/17/15.
6

7 7. During our hour long conversation, Mr. Washington expressed concern
8 that the transcripts my office sent him were in disarray when he received them and he
9 was unable to read them because pages were out of order. He asked me to resend the
10 documents which I agreed to do. Later that day, his mother also called and expressed the
11 same concern.
12

13 8. Mr. Washington explained to me that he has had a problem with the
14 phone because he is in a secure facility at the prison and therefore his access is limited. I
15 will send him a letter directing the date and time for him to call so that the prison will
16 hopefully allow him to use the telephone.
17

18 9. During our conversations I realized that I am missing portions of
19 discovery from his private counsel and I will contact private counsel again and ask for
20 further discovery that I did not receive.
21

22 10. After filing a request for a continuance on 12/18/14, I came down with
23 the flu and a cold from on or about 12/20/14 until approximate 01/11/15; and, during this
24 time I reinjured my ankle/foot. Therefore, I was unable to work at full speed and unable
25 to work on Mr. Washington's case. Although I began reviewing Mr. Washington's case
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1 again last week, I stopped working on Mr. Washington's case upon receiving Court's
2 order requiring me to work on the other case.

3
4 11. Based on the above, I am asking for an 80 day extension. In asking for
5 this time, I am taking into account the numerous other cases also demanding my
6 attention which I need to complete and the fact I have had no contact with Mr.
7 Washington until 02/17/15. Hopefully, lines of communication are now open. Because
8 our office did not represent him at trial, I am relying on Mr. Washington to give me more
9 in depth information than I normally would if our office represented a client at trial.
10

11 12. Mr. Washington has no objection to a continuance. Mr. Washington is
12 a 24-year-old who will be spending the rest of his life in prison and therefore he wants
13 me to spend time going over his case with him and he wants me to be effective in my
14 representation. He wants additional time to allow him to review the transcripts and
15 discuss his case with me. His mother also spoke with me on 02/17/15 and she too voiced
16 no objection to a continuance.
17

18
19 13. This Motion for Extension is made in good faith and not for the
20 purpose of delay.
21

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

23 EXECUTED on the 18th day of February, 2015.

24 /s/ Sharon G. Dickinson
25 SHARON G. DICKINSON
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CATHERINE CORTEZ MASTO
STEVEN S. OWENS

SHARON G. DICKINSON
HOWARD S. BROOKS

MATTHEW WASHINGTON
NDOC No. 10614647
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89018

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