1 IN THE SUPREME COURT OF THE STATE OF NEVADA 2 3 LUIS PIMENTEL, Electronically Filed 4 Mar 11 2016 04:38 p.m. Appellant, Tracie K. Lindeman 5 Case Ole 1680 Supreme Court 6 VS. 7 THE STATE OF NEVADA, 8 Respondent. 9 10 APPELLANT'S MOTION FOR TWO WEEK EXTENSION OF TIME 11 TO FILE OPENING BRIEF 12 Comes Now Appellant LUIS PIMENTEL, by and through Deputy Public 13 Defender WILLIAM M. WATERS, and moves for a fourteen (14) day extension of time from 14 Monday, March 14, 2016, through and including Monday, March 28, 2016, within which to file 15 16 the Opening Brief in this case. This Motion is based upon the attached Declaration of counsel. 17 DATED this 11th day of March, 2016. 18 PHILIP J. KOHN 19 CLARK COUNTY PUBLIC DEFENDER 20 21 /s/ William M. Waters 22 WILLIAM M. WATERS, #9456 Deputy Public Defender 23 309 So. Third Street, Suite #226 Las Vegas, Nevada 89155-2610 24 (702) 455-4685 25 26 27 28

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 August 27, 2015. This case was governed by the provisions of NRAP 3C, which required the Appellant to file a Fast Track Statement 40 days after the filing of the Notice of Appeal.
- 3. I filed a Request for Rough Draft Transcripts on August 27, 2015. The reporter received the request on August 27, 2015. NRAP Rule 3C required the reporter to produce the rough draft transcript by September 17, 2015.
- 4. On September 15, 2015, the first of numerous Motions for Extension was filed by one of the Court Reporter's in the case; a second on September 17, 2015 and a third on November 10, 2015. This Honorable Court granted the motions for extension.
- 5. On December 28, 2015, Appellant filed a Motion for Full Briefing. This Honorable Court granted said motion and the Opening Brief is due to be filed Monday, March 14, 2016.
- 6. Appellant's attorney suffered a back injury and was recently diagnosed with a herniated disk in the L5 region with spinal stenosis.
- Due to this diagnosis, Appellant's attorney has had to miss a significant amount of work for doctor's appointments and treatments.
- 8. Appellant's attorney's injury is extremely painful and prohibits him from sitting for extended periods of time which unfortunately is essential when writing appellate briefs.

1	8. Additionally, Appellant's attorney has had to rely upon narcotic medication
2	to reduce the pain associated with the injury.
3	9. Nevertheless, Appellant's Opening Brief is nearly complete. Appellan
4	merely needs an additional 14 days to finalize and edit the brief.
5	
6	10. This Motion for Extension is made in good faith and not for the purpose o
7	delay.
8	I declare under penalty of perjury that the foregoing is true and correct.
9	EXECUTED on the 11th day of March, 2016.
10	/s/ William M. Waters
11	WILLIAM M. WATERS
12	<u>CERTIFICATE OF SERVICE</u>
13 14	I hereby certify that this document was filed electronically with the Nevada
15	Supreme Court on the 11 th day of March, 2016. Electronic Service of the foregoing documen
16	shall be made in accordance with the Master Service List as follows:
17	ADAM LAXALT WILLIAM M. WATERS
18	STEVEN S, OWENS HOWARD S. BROOKS
19	I further certify that I served a copy of this document by mailing a true and
20	correct copy thereof, postage pre-paid, addressed to:
21	LUIS PIMENTEL
22	NDOC No. 1144889 c/o Ely State Prison
23	P.O. Box 1989
24	Ely, NV 89301
25	
26	BY /s/ Carrie M. Connolly
27	Employee, Clark County Public Defender's Office
28	