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Respondent.

**APPELLANT'S MOTION FOR EXTENSION OF TIME  
DUE TO LATE RECEIPT OF TRANSCRIPTS**

Comes Now Appellant JASON RICHARD LOFTHOUSE, by and through Deputy Public Defender WILLIAM M. WATERS, and moves for an extension of time of sixty (60) days from Tuesday, May 2, 2017, through and including Monday, July 3, 2017, to file the Opening Brief in this case. The grounds for this request are described in the attached Declaration.

DATED this 1<sup>st</sup> day of May, 2017.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By /s/ William M. Waters  
WILLIAM M. WATERS, #9546  
Deputy Public Defender  
309 So. Third Street, Suite #226  
Las Vegas, Nevada 89155-2610  
(702) 455-4685

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1. I am an attorney licensed to practice law in the State of Nevada; I am a

2. The Clark County Public Defender's Office was not the attorney of

3. At trial, Lofthouse was represented by Dmitry Gurovich (*pro hac vice*)

4. The district court sentenced Lofthouse on May 17, 2016 and filed the

5. On May 26, 2016, Attorneys Gurovich and Margolis filed a Motion to

6. The court granted the motion to withdraw and appointed the Clark County

7. Lofthouse filed a pro per Notice of Appeal in this matter on June 16,

8. On July 27, 2016, this Honorable Court filed its Order Setting Briefing

9. On August 5, 2016, Declarant filed Appellant's Request for Certified

<sup>1</sup> Declarant contacted Attorney Margolis in April 2017, in an attempt to procure Lofthouse's file. Margolis indicated he did not have a copy of the file and directed Declarant to contact Gurovich. Declarant contacted Gurovich who agreed to send a copy of the file to Declarant. However, as of the date of this Motion, Declarant has not received the file.

1           10.    On September 16, 2016, Court Reporter Riggio filed a motion for  
2 extension.

3           11.    On September 19, 2016, this Honorable Court granted the extension  
4 making the transcripts due October 14, 2016.

5           12.    On November 17, 2016, Declarant filed Appellant's Stipulation to file the  
6 Opening Brief making the new due date December 28, 2016.

7           13.    On December 28, 2016, Declarant filed Appellant's Motion for an  
8 Extension of Time to File the Opening Brief due to Missing Transcripts.

9           14.    On January 4, 2017, this Honorable Court entered its Order Directing the  
10 Filing of Compliant Transcript Request Form and Granting Motion for Extension of Time. On  
11 January 4, 2017, this Honorable Court filed an order regarding transcripts making the due date  
12 for all transcripts January 24, 2017.

13           15.    On February 27, 2017, declarant filed a Motion for extension of time due  
14 to the fact that 13 transcripts were outstanding and had yet to be filed in Odyssey or received by  
15 Declarant.

16           16.    On March 6, 2017, this Honorable Court granted an extension until May  
17 2, 2017.

18           17.    On March 13, 2017 this Honorable Court filed its Order Conditionally  
19 Imposing Sanctions.

20           18.    On April 7, 2017, Court Reporter Riggio filed Proof of Payment of  
21 Sanction.

22           19.    On April 7, 2017, Court Reporter Riggio filed notice of requested  
23 transcripts.

1           20. Appellate staff began printing and compiling the Appendix immediately  
2 upon notification that the final transcript had been filed in the case.

3           21. The Appendix consists of six volumes and 1,463 pages. The trial itself is  
4 a five day trial.

5           22. The Appendix was compiled, Bates stamped, the index prepared and  
6 copied. A final copy of the appendix was then given to Declarant April 13, 2017.

7           23. Given his obligations and deadlines for other cases currently pending in  
8 this Court, Declarant was unable to review the transcripts until April 27, 2017.

9           24. Declarant has begun reading the transcripts and should finish and then  
10 begin researching the issues in this case by Friday May 5, 2017.

11           25. Lofthouse was convicted at jury trial for First Degree Kidnapping. His  
12 case presents important issues regarding the scope of the kidnapping statute and also the  
13 constitutionality of NRS 201.540, thus Declarant needs additional time to adequately represent  
14 Lofthouse on appeal.

15           26. Finally, Declarant's wedding is currently scheduled for May 26, 2017, in  
16 Los Angeles, CA. Declarant will necessarily take some time off from work given his pending  
17 nuptials. Thus, Declarant will need additional time to file Lofthouse's appeal after Declarant  
18 returns from his wedding and associated events.

19           27. Accordingly, Declarant is asking for an extension of sixty (60) days to  
20 prepare and file the Opening Brief in this case.

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

22           EXECUTED on the 1<sup>st</sup> day of May, 2017.

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24  
25                               /s/ William M. Waters  
26                               WILLIAM M. WATERS  
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ADAM LAXALT  
STEVEN S. OWENS

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

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