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Respondent.

**APPELLANT'S MOTION FOR THIRTY DAY EXTENSION
OF TIME TO FILE FAST TRACK STATEMENT**

Comes Now Appellant SAYEDBASHE SAYEDZADA, by and through Deputy Public Defender DEBORAH L. WESTBROOK, and moves for a thirty (30) day extension of time from Monday, April 24, 2017, through and including Wednesday, **May 24, 2017**, within which to file the Fast Track Statement in this case. This Motion is based upon the attached Declaration of counsel.

DATED this 21st day of April, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Deborah L. Westbrook
DEBORAH L. WESTBROOK, #9285
Deputy Public Defender
309 So. Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685

1 **DECLARATION OF DEBORAH L. WESTBROOK**

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

6 2. On March 1, 2017 this Court granted Appellant a 60-day
7 extension of time to file and serve the Fast Track Statement and Appellant's
8 Appendix. The extension was granted because the Clark County Public
9 Defender's Office was short-staffed and did not have an appellate team clerk who
10 could prepare Appellant's Appendix at that time. In addition, I had not yet spoken
11 by phone with my client when I requested the extension on February 22, 2017.
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14 3. I finally spoke with Mr. Sayedzada by phone on February 28,
15 2017. During that call, Mr. Sayedzada informed me that he had concerns about
16 the Public Defender's Office representing him on appeal. I learned that the district
17 court had appointed a different attorney, John G. George, to represent him at
18 sentencing after he filed a motion to dismiss counsel and overturn his convictions
19 based on the ineffectiveness of the Public Defender's Office at trial. Although the
20 district court denied Mr. Sayedzada's motion to overturn his convictions and found
21 that trial counsel "has been in no way ineffective", the court appointed John G.
22 George to represent Mr. Sayedzada at sentencing "based on the break down in
23 communication since the trial". See Exhibit A (minutes). During our call, Mr.
24 Sayedzada advised me that he needed additional time to see if he could find a
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1 different attorney to represent him. Mr. Sayedzada advised that he would let me
2 know soon whether he would be getting a new attorney or whether he would
3 accept my representation. Mr. Sayedzada also asked that I meet with him in
4 person before I file any Fast Track Statement on his behalf.
5

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7 4. Mr. Sayedzada called me again in early March and informed
8 me that he was still trying to find alternate appellate counsel but that he would let
9 me know what he decided soon. Unfortunately, I have not spoken with Mr.
10 Sayedzada since that second phone call, nor have I had the opportunity to visit him
11 at Southern Desert Correctional Facility.
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13
14 5. On March 13, 2017, Rachel Howard was hired as our appellate
15 team's clerk. After going through training, Ms. Howard finished preparing
16 Appellant's Appendix on or about March 21, 2017.
17

18 6. While I had hoped to meet with Mr. Sayedzada and finish his
19 Fast Track Statement in April, I became ill with a serious infection and was
20 prescribed a three-week course of two different antibiotics. During that time, I was
21 unable to drive to Southern Desert Correctional Facility because of dizziness and
22 other adverse side-effects from those medications. I was out of the office from
23 April 7-16.
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25

26 7. At this point, the earliest I can meet with Mr. Sayedzada at
27 Southern Desert Correctional Facility is Friday, May 12, 2017, and I have already
28 scheduled a meeting with him on that date through the Warden's office. Given the

1 concerns that Mr. Sayedzada has had about communication with the Public
2 Defender's Office in the past, I cannot file a fast track statement on Mr.
3 Sayedzada's behalf without first meeting with him and discussing his case face-to-
4 face.
5

6
7 8. Additionally, based on my review of the record, I need extra
8 time to contact the Evidence Vault and obtain certain documentation that will be
9 relevant to several potential appellate issues. Specifically, I need to get the
10 peremptory challenge sheets from the Vault in order to evaluate the strength of an
11 argument regarding the district court's denial of two for-cause challenges. I also
12 need to obtain the jury questionnaires that were referenced by defense counsel in
13 connection with an oral motion for a new venire, which request was denied. I also
14 need to obtain a copy of State's Exhibit 20, a photograph that depicts the
15 defendant in custody, in handcuffs, that was shown to the jury over defense
16 counsel's objection. Finally, I need to obtain copies of the photocopied credit cards
17 that were introduced into evidence as State's Exhibits 1-19 because their status as
18 expired vs. unexpired is relevant to several arguments that were made in the
19 district court.
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25 9. In addition to contacting the Evidence Vault, I need to obtain
26 the JAVS from the first day of trial (March 22, 2016) to determine whether the
27 transcript contains a typographical error, or whether Judge Kephart actually made
28 the following incorrect statement of law: "Opening statements serve as an

introduction to the evidence which the party making the statement intends to prove, but they **are evidence.**"

10. In my professional opinion, a thirty (30) day extension of time is necessary in order to safeguard Mr. Sayedzada's Sixth Amendment right to the effective assistance of counsel, and his 5th and 14th Amendment rights to due process. Therefore, I am requesting a 30-day extension of time to file the Fast Track Statement, up to and including **May 24, 2017**.

11. 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 21st day of April, 2017.

/s/ Deborah L. Westbrook

DEBORAH L. WESTBROOK

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ADAM LAXALT	DEBORAH L. WESTBROOK
STEVEN S. OWENS	HOWARD S. BROOKS

SAYEDBASHE SAYEDZADA
NDOC No: 79356
c/o Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070

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EXHIBIT 1

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Location : District Courts [Images Help](#)

REGISTER OF ACTIONS

CASE NO. C-15-310000-1

State of Nevada vs SAYEDBASHE SAYEDZADA

01/12/2015 10:12:15 AM

Case Type: **Felony/Gross Misdemeanor**
 Date Filed: **10/12/2015**
 Location: **Department 19**
 Cross-Reference Case Number: **C310000**
 Defendant's Scope ID #: **1690765**
 ITAG Booking Number: **0**
 ITAG Case ID: **1723520**
 Lower Court Case # Root: **15F14345**
 Lower Court Case Number: **15F14345X**
 Metro Event Number: **1509230862**
 Supreme Court No.: **71731**

PARTY INFORMATION

Defendant **SAYEDZADA, SAYEDBASHE**

DOB: 09/04/1984

Lead Attorneys
John G. George
Court Appointed
 702-400-0000(W)

Plaintiff **State of Nevada**

Steven B Wolfson
 702-671-2700(W)

CHARGE INFORMATION

Charges: SAYEDZADA, SAYEDBASHE	Statute	Level	Date
1. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
2. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
3. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
4. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
5. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
6. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
7. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
8. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
9. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
10. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
11. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
12. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015
13. POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT	205.690	Felony	09/23/2015

EVENTS & ORDERS OF THE COURT

07/18/2016 **Motion to Dismiss** (8:30 AM) (Judicial Officer Kephart, William D.)
Motion to Dismiss Appointed Counsel and Motion to Dismiss Criminal Complaint and Overturn Conviction

Minutes
 07/18/2016 8:30 AM
 - Court noted he has reviewed the motion; although the argument made Defendant address ineffectiveness of counsel which would be better addressed in a post conviction petition.

COURT ORDERED, Motion DENIED IN PART as to Defendant's Motion to overturn the conviction. Additionally, Court stated based on the claims made in the petition the Court FINDS counsel has been in no way ineffective; however, based on the break down in communication since the trial, COURT FURTHER ORDERED, Motion GRANTED IN PART as to dismissal of counsel. Upon Court's inquiry, Defendant advised he will get counsel. FURTHER ORDERED, matter SET for Confirmation of Counsel. CUSTODY 7/25/2016 8:30 AM
STATUS CHECK: NEW COUNSEL / SENTENCING DATE

[Parties Present](#)

[Return to Register of Actions](#)