

IN THE SUPREME COURT OF THE STATE OF NEVADA

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WILLIAM WITTER,

Petitioner/Appellant,

vs.

STATE OF NEVADA,

Respondents/Appellees.

Electronically Filed
Jul 28 2020 04:00 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 73431

District Court Case No. C117513

**REQUEST FOR EXTENSION OF
TIME TO FILE REPLY BRIEF
(FIRST REQUEST)**

(Death Penalty Habeas Corpus
Case)

Petitioner/Appellant William Witter, through counsel, hereby requests an extension of time of sixty (60) days, up to and including September 28, 2020, within which to file his Reply Brief. This request is supported by the attached declaration of counsel.

Dated this 28th day of July, 2020.

Respectfully submitted,
Rene L. Valladares
Federal Public Defender

/s/ Stacy Newman

Stacy Newman
Assistant Federal Public Defender

DECLARATION OF STACY NEWMAN

I, Stacy Newman, declare as follows:

1. I am an attorney, admitted to practice before this Court, employed as an Assistant Federal Public Defender. I represent the Petitioner/Appellant William Witter in this capital case. I have recently been assigned to serve as lead counsel in Mr. Witter's case.

2. Mr. Witter's Reply Brief is currently due on July 30, 2020. I am requesting an extension of time of sixty (60) days, up to and including September 28, 2020, to file and serve the Reply Brief. This is Mr. Witter's first request for an extension of time for the Reply Brief.

3. Since the State filed its Answering Brief, I have had case-related responsibilities in five other capital cases, which have prevented me from devoting sufficient time to this brief. For example, I am counsel in *Lisle v. Gittere*, another capital habeas case pending before the District of Nevada (Case No. 2:03-cv-01006). Due to an upcoming evidentiary hearing in this case, I have had to devote substantial time preparing, including investigating experts to be disclosed, which were disclosed on July 16, 2020. I have also assisted in preparing a Reply to a

Response to a Motion to Alter or Amend Judgment in another capital habeas case, *McNelson v. Gittere*, (Case no. 2:00-cv-00284), which was filed July 23, 2020. Given these responsibilities, I was not able to complete Mr. Witter's Reply Brief by the current deadline.

4. I am requesting an additional sixty days so that I can complete this pleading while also meeting other filing deadlines that will become due within the same time period. For example, on July 31, 2020, I have several large filings due: an Opposition to a Motion to Dismiss and Motion for Discovery in the District of Nevada in *Moore v. Gittere* (Case No. 2:13-cv-0655), a Motion for Certificate of Appealability in *Hampton v. Shinn* (No. 14-02504), and another Ninth Circuit Opening Brief in *Sherman v. Gittere* (No. 16-99000). Additionally, in *Lisle v. Gittere*, I am under a court-imposed scheduling order that has and will continue to require substantial time each week to complete several deadlines in advance of the evidentiary hearing.

5. The 60 days requested are necessary to allow me to serve as competent lead counsel and complete Mr. Witter's Reply Brief in

accordance with my duty to provide effective representation consistent with the standards pertaining to capital defense counsel.

6. This request is made not solely for the purposes of delay or for any other improper purpose, but only to ensure that Mr. Witter receives competent representation in this appeal. I anticipate that I will be able to complete and file Mr. Witter's Reply Brief within sixty days.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 28, 2020, in Las Vegas, Nevada.

/s/ Stacy Newman
Stacy Newman
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 28th day of July 2020, electronic service of the foregoing REQUEST FOR EXTENSION OF TIME TO FILE REPLY BRIEF (FIRST REQUEST) shall be made in accordance with the Master Service List as follows:

Taleen Pandukht
Chief Deputy District Attorney
Taleen.Pandukht@clarkcountyda.com

/s/ Sara Jelinek

An Employee of the Federal Public
Defender, District of Nevada