

IN THE SUPREME COURT OF THE STATE OF NEVADA

\*\*\*\*\*

WILLIAM WITTER,

**Petitioner/Appellant,**

vs.

STATE OF NEVADA,

**Respondents/Appellees.**

Electronically Filed  
Oct 13 2017 03:48 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court No. 73444

District Court Case No. C117513

**REQUEST FOR EXTENSION OF  
TIME**

(Death Penalty Case)

Petitioner/Appellant William Witter, through counsel, hereby requests an extension of time of fourteen (14) days, up to and including October 27, 2017 within which to file his opposition to the State's Motion for Consolidation. This request is supported by the attached declaration of counsel.

Dated this 13th day of October, 2017.

Respectfully submitted  
Rene L. Valladares  
Federal Public Defender

/s/David Anthony  
David Anthony  
Assistant Federal Public Defender

## **DECLARATION OF DAVID ANTHONY**

I, David Anthony, declare as follows:

1. I am an attorney at law, admitted to practice before this Court, employed as an Assistant Federal Public Defender. I represent the Petitioner/Appellant William Witter in this capital case.

2. Mr. Witter's opposition to the State's motion to consolidate in Docket Numbers 73431 and 73444 is currently due on October 13, 2017. I am requesting an extension of time of fourteen (14) days, up to and including October 27, 2017, to file and serve the opposition. This is my first request for an extension of time.

3. I am the Chief of the Capital Habeas Unit of the Federal Public Defender's Office. I became involved in Mr. Witter's case when two of the prior attorneys that were assigned to the case left the unit. Due to the departure of the prior attorneys, I have had to assume interim responsibility for several additional capital cases while also spending a substantial amount of time engaged in the hiring of new attorneys. I have also had to supervise attorneys who are preparing for evidentiary

hearings the first week of November in Clark and Washoe Counties, as well as provide supervision in cases with imminent filing deadlines.

4. I am primarily requesting an extension of time due to my obligations in other capital habeas matters that cannot be extended. I am counsel in a capital case with an imminent execution date that is currently scheduled for November 14, 2017. That case has required a substantial amount of my time for weekly filing deadlines and court hearings. I am requesting two weeks to file the opposition in Mr. Witter's case so that I can meet my filing deadlines in the case with an active execution warrant, as well as the deadlines in my other capital cases.

5. At the present time, I have conducted legal research on the opposition and have begun drafting the procedural history. I anticipate that I will be able to complete and file the opposition within fourteen days while also meeting my other filing deadlines.

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 declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 13, 2017 in Las Vegas, Nevada.

/s/David Anthony  
David Anthony  
Assistant Federal Public Defender

## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 13th day of October, 2017, electronic service of the foregoing REQUEST FOR EXTENSION OF TIME shall be made in accordance with the Master Service List as follows:

Steven S. Owens  
Chief Deputy District Attorney  
steven.owens@clarkcountyda.com

/s/ Stephanie Young

An Employee of the Federal Public  
Defender, District of Nevada