

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM WITTER,

Petitioner/Appellant,

vs.

STATE OF NEVADA,

Respondents/Appellees.

Electronically Filed
Nov 13 2017 02:12 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 November 27, 2017, within which to file his Response to the State's Motion to Dismiss Appeal. This request is supported by the attached declaration of counsel.

Dated this 13th day of November, 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 Response to the State's Motion to Dismiss Appeal in Docket Number 73444 is currently due on November 13, 2017. I am requesting an extension of time of fourteen (14) days, up to and including November 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 received the State's Motion to Dismiss on November 3, 2017. Since then, my duties in other matters have prevented me from completing the Reply. Because I serve as counsel in a capital case that had an imminent execution date that was scheduled for November 14, 2017, I have spent time preparing for and appearing at execution-related hearings in Nevada's Eighth Judicial District Court.

On November 3, 2017, I appeared at an evidentiary hearing regarding lethal injection. On November 6, 2017, I argued at another hearing that addressed more lethal injection issues. On November 8, 2017, and November 9, 2017, I appeared at two more hearings regarding the execution.

4. I request two weeks to file the Response to the State's Motion to Dismiss in Mr. Witter's case so that I can meet my filing deadlines in the case with an execution warrant, as well as the deadlines in my other capital cases.

5. 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 November 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 November, 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