

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jun 17 2019 10:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

WILLIAM P. CASTILLO,

Petitioner/Appellant,

vs.

THE STATE OF NEVADA,

Respondents/Appellees.

Supreme Court No. 73465

(Death Penalty Habeas Corpus Case)

**REQUEST FOR EXTENSION OF TIME WITHIN WHICH
TO FILE PETITION FOR REHEARING**

Appellant, William P. Castillo, by and through counsel, hereby
requests an extension of time of twenty-five (25) days, to and including

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July 12, 2019, to file a petition for hearing from the denial of his post-conviction petition for writ of habeas corpus (*see* NRAP Rule 40). This request is supported by the attached declaration of counsel.

DATED this 17th day of June, 2019.

Respectfully submitted
RENE L. VALLADARES
Federal Public Defender

/s/ Brad D. Levenson
BRAD D. LEVENSON
Assistant Federal Public Defender
Nevada Bar No. 13804C
411 E. Bonneville Ave., Suite 250
Las Vegas, Nevada 89101
702-388-6577

Attorneys for William P. Castillo

DECLARATION OF BRAD D. LEVENSON

I, Brad D. Levenson, declare as follows:

1. I am an attorney at law, admitted to practice before this Court and employed by the Capital Habeas Unit of the Federal Public Defender, District of Nevada. I am assigned to represent William P. Castillo in this matter.

2. On May 30, 2019, this Court affirmed the district court's order denying Mr. Castillo's post-conviction petition for writ of habeas corpus. *See Castillo v. State*, 135 Nev. Adv. Op. 16, __ P.3d __ (May 30, 2019). Pursuant to NRAP Rule 40, Mr. Castillo's petition for rehearing is currently due on June 17, 2019. I am seeking an extension of time of twenty-five days, up to and including July 12, 2019 within which to file and serve the petition for rehearing.

3. I am requesting a twenty-five day continuance because I have not had adequate time to prepare Mr. Castillo's petition for hearing due to other case related responsibilities. Specifically, since filing of this Court's opinion, I have devoted a great deal of my time to the federal trial case of *USA v. Schlesinger*, Case No. 4:18-cr-02719-

RCC-BGM, a death qualified case from the District of Arizona. To that end, I was at an out-of-state training for the Schlesinger case from June 6 through June 9. I have also been devoting time to *Smith v. Baker*, Case No. 14-99003, a capital case scheduled for oral argument before the Ninth Circuit Court of Appeals on July 11, 2019 in Seattle, Washington. Further, I will be out of the office on June 17, June 18, and July 9 visiting out-of-state clients.

4. Given these responsibilities, it was simply not possible for me to draft Mr. Castillo's petition for rehearing by the deadline. The additional time requested here is necessary for me to devote the attention required to competently represent Mr. Castillo. I do not anticipate any additional requests for an extension of time.

5. This request is not made solely for the purpose of delay, or for any other improper purpose, but only to ensure that this office provides competent representation to Mr. Castillo. Nev. R. Prof. Conduct 1.1.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 17, 2019, in Las Vegas Nevada.

/s/ *Brad D. Levenson*
BRAD D. LEVENSON

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 17th day of June, 2019, electronic service of the foregoing REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S PETITION FOR REHEARING shall be made in accordance with the Master Service List as follows:

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

/s/ Sara Jelinek
An Employee of the Federal Public
Defender, District of Nevada