

IN THE SUPREME COURT OF THE STATE OF NEVADA

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KEANDRE VALENTINE,	)	Electronically Filed Apr 17 2018 08:30 a.m. Elizabeth A. Brown Clerk of Supreme Court Case No. 74468
	)	
Appellant,	)	
	)	
vs.	)	
	)	
THE STATE OF NEVADA,	)	
	)	
Respondent.	)	

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**APPELLANT'S MOTION FOR EXTENSION OF TIME**

Comes Now Appellant KEANDRE VALENTINE, by and through Deputy Public Defender SHARON G. DICKINSON, and moves for an extension of time of one hundred (100) days from Monday, April 16, 2018 through and including Wednesday, July 25, 2018 to file the Opening Brief in this case. The grounds for this request are described in the attached Declaration.

DATED this 16 day of April, 2018.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By /s/ Sharon G. Dickinson  
SHARON G. DICKINSON, #3710  
Deputy Public Defender

**DECLARATION OF SHARON G. DICKINSON**

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

2. Keandre Valentine was convicted of 14 serious felonies and was sentenced to a minimum of 18 years before being eligible for parole.

3. This is my second request for an extension. On 03/16/18, I obtained the first request for an extension to file the Opening Brief pursuant to NRAP 31(b)(2), by way of 30 day stipulation, making the brief due today 04/16/18.

4. This appeal began on 11/06/17 when the notice of appeal in the above entitled case was filed in the district court. Subsequently, the notice of appeal was docketed in this Court on 11/16/17.

5. On 11/30/17, the Clark County Public Defender's Office filed a Request for Certified Transcripts of Proceedings with the District Court and on 12/01/17, with this Honorable Court for the following dates: 06/29/16, 07/07/16, 09/01/16, 10/04/16, 02/16/17, 02/21/17, 06/06/17, 07/20/17, 07/21/17, 07/24/17, 07/26/17, 07/28/17, 07/31/17, 08/01/17, 08/02/17, 08/03/17, 08/04/17, and 09/28/17. I am informed

that the request for transcripts was delivered to the court recorders/reporters on or about that same day.

6. On 12/06/17, our Office filed the docketing statement.

7. In the ordinary full-briefing system, NRAP 9(b)(1)(A) mandates a court recorder/reporter shall prepare a requested transcript within 30 days after the Transcript Request Form has been delivered. Thus, the transcripts were due on 12/30/17.

8. One court recorder/reporter was unable to meet the deadline and obtained an extension from this Court requiring her to file the transcripts and notice by 02/01/18.

9. On 02/01/18, Court Reporter Easley filed a notice indicating she delivered the following transcripts to the Defense: 07/24/17, 07/25/17, 07/26/17, 07/27/17, 07/28/17, 07/31/17, 08/01/17, 08/02/17, 08/03/17, and 08/04/17. Thus, the transcripts were delivered more than 30 days after the anticipated date under the rules.

10. According to the Rules, court recorders/reporters are given 30 days from the filing of the Request for Transcript to file the transcripts. Under NRAP 31(a)(1)(A), Appellant's Opening Brief is due 120 days from the docketing of the appeal in the Nevada Supreme Court. NRAP 31(a)(1). Because the 120 day time period begins prior to the filing of the transcripts

by the court recorder/reporters, an Appellate attorney may only have 75 days to prepare the appendix, read the record, research the issues, and prepare and file the Opening Brief.

11. In this case, while the Court granted the court recorders request for an extension, the Court did not extend the time period for filing the Opening Brief. Therefore, despite the trial transcripts not being delivered until on or about 02/01/18, under NRAP 31(a)(1)(A), Appellant was initially required to file the Opening Brief on 03/16/18. Accordingly, I used the 30 day stipulation to acquire more time.

12. At some point after 02/01/18, upon receiving all the transcripts, our Office prepared the appendix by including all the transcripts and district court documents. The appendix currently consists of 13 volumes, amounting to 2989 pages. We have approximately another 250 pages or more of trial exhibits which I still need to go through and decide whether to add the exhibits to the appendix. This was a 10 day trial consisting of testimony from 15 witnesses.

13. On or about 03/28/18, I became concerned that I had not received any calls or letters from Keandre Valentine and asked our office to send him a letter to contact me. Prior to this I thought our office had sent him a copy of his appendix and that he would call me upon

reading through the paperwork. I was out of the office most of the week of 04/02/18. On 04/12/18 I received a call from his mother and on 04/13/18 I received a call from Keandre. Keandre informed me he had not received the paperwork from our office. After the call with Keandre I learned from our clerk that she forgot to send Keandre the copies of the appendix. Thus, Keandre's paperwork was not sent out of this office until today, 04/16/18. Accordingly, I need an extension of time to allow him to receive, read, and discuss the trial transcripts with me before I file the Opening Brief.

14. I also need an extension of time because I have barely had time to start working on the appeal. As of today, I have made a list of all the documents, hearing dates, and witnesses who testified but I have only started to read the jury selection process. I have not had time to read any of the testimony. Therefore, I am asking for an extension of 100 days.

15. NLDA standards for appellate attorneys direct that an individual attorney complete no more than 20 work-units in one year. Work units in cases are determined by number of pages in the transcripts or appendix. One Opening Brief is counted as one work unit if the appendix is 500 pages or less. But for every additional 500 pages,

NDLA adds one additional work-unit. Therefore, because the appendix in this case currently consists of 13 volumes, amounting to 2989 pages, and there are approximately 250 more pages of exhibits to review, the Opening Brief in this case would count for approximately 7 work-units. Seven work-units would mean it would take an appellate attorney approximately four months to read, prepare, and write the Opening Brief without handling other cases at the same time. Accordingly, my request for a 100 day extension is reasonable under the NLADA standards. NLADA's *Standards and Evaluation Design for Appellate Defender Offices*, Section II-H.

16. Likewise, Nevada Indigent Defense Standards of Performance and Caseload Standards require Appellate Counsel to discuss the appeal with the client and research and develop all issues for the appeal, to include issues raised under plain error review. ADKT 411.

17. Kendra Valentine's appeal is not the only appeal I have been working on since February 2018. I have worked on the following:

- (1) Maurice Howard v. State, Case No. 73500, Reply filed on 02/07/18;

- (2) Diego Salazar v. State, Case No. 68403, Petition for Rehearing filed on 02/13/18 and Opposition to State's Motion to file Untimely Petition filed on 03/07/18;
- (3) Manual Cazares v. State, Case No. 71728, oral argument on 02/15/18;
- (4) Danielle Slaughter v. State, Case No. 74057, Opening Brief submitted on 02/23/18 and filed on 03/15/18;
- (5) Thomas Supranovich v. State, Case No. 69355, oral argument on 03/05/18 – Motion to disregard State's oral argument filed on 03/07/18 and Reply filed on 03/20/18;
- (6) Jason Simpson v. State, Case No. 73200, Reply filed on 03/12/18;
- (7) Alfred Harvey v. State, Case No. 72829, Motion for Stay or Extension filed 04/10/18 and Reply filed 04/11/18; District Court – 04/05/18 filed two motions: Motion for a New Trial and Motion to Reconstruct the Record.

18. Keandre Valentine's appeal is not the only appeal I will be working on during the next 100 days. I am currently completing the Reply in James Cooper v. State, Case No. 72091, which is due 05/04/18, and the Reply in Miranda-Cruz v. State, Case No. 70960, which is

currently due 04/23/18 but I may be seeking a 30 day stip. I also have additional motions and investigation to handle in District Court in Case No. 72829, Alfred Harvey v. State. And today I was assigned another appeal with a due date of 07/26/18.

19. I apologize to the Court for not realizing sooner that documents were not sent to Keandre Valentine. It is unusual for the appendix to not be sent automatically to our client. Also, since 02/26/18 I have been dealing with unexpected damage to my home which required me to take off time from work – a problem that has not yet been resolved.

20. I spoke to Keandre on 04/13/18 and he understands the reasons for my request, understands he is doing at a minimum 18 years, and expressed no objection. He wants me to do a good job on his behalf and provide him with effective assistance of counsel.

21. In view of the above, I am asking for a 100 day extension. This request is not being made for the purposes of delay but for the reasons addressed in this motion.

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I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 16<sup>th</sup> day of April, 2018

*/s/ Sharon G. Dickinson*  
SHARON G. DICKINSON

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 16 day of April, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT  
STEVEN S. OWENS

SHARON G. DICKINSON  
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

KEANDRE VALENTINE  
NDOC No. 1187170  
c/o Ely State Prison  
P.O. Box 1989  
Ely, NV 89301

BY /s/ Carrie M. Connolly  
Employee, Clark County Public  
Defender's Office