

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,)	
)	
Appellant,)	
)	
vs.)	
)	
RIGOBERTO INZUNZA,)	
)	
Respondent.)	
)	

Electronically Filed
Nov 27 2018 07:54 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 75662

RESPONDENT’S MOTION FOR EXTENSION OF TIME

Comes Now Respondent, RIGOBERTO INZUNZA, by and through Chief Deputy Public Defender P. DAVID WESTBROOK, and moves for an extension of time of fourteen (14) days from Monday, November 26, 2018 through and including Monday, December 10, 2018 to file the Respondent’s Answering Brief in this case. The grounds for this request are described in the attached Declaration.

DATED this 26 day of November, 2018.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ P. David Westbrook
P. DAVID WESTBROOK, #9278
Deputy Public Defender
309 So. Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685

DECLARATION OF P. DAVID WESTBROOK

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

2. During my review of the record and preparation of Respondent's Answering Brief, I identified several transcripts and court exhibits not included in Appellant's Appendix that are relevant to the issues discussed in this case. I am therefore requesting a short, two-week continuance to prepare a separate "Respondent's Appendix" in order to complete the record on appeal. This will allow us to obtain the needed exhibits from the evidence vault, print and Bates-stamp the required transcripts, assemble the new appendix, and update Respondent's Answering Brief with the necessary information and citations to the record.

3. I also need the requested continuance to review JAVS recording of the April 4, 2018 evidentiary hearing in order to respond to a claim made by the Appellant in this case. I was the defense attorney present during the hearing, and my personal recollection of the hearing differs from the representations made by the State. I was unable to resolve the issue by reviewing the transcript alone, so I will need to review the in-court recording. I have already delivered an ex parte order to produce the

recording to District Court Dept. V for the court's signature, and I expect the record to be produced by the end of the week.

4. My request for a 14-day continuance is not made for the purpose of delay. This is Respondent's first request for a continuance after the 30-day stipulation and in my professional opinion, it is the minimum amount of time necessary to safeguard my client's right to effective assistance of counsel under the Sixth Amendment to the United States Constitution, and my professional responsibilities under ADKT 411.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

EXECUTED on the 26 day of November, 2018.

/s/ P. David Westbrook
P. DAVID WESTBROOK

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 26 day of November, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT
STEVEN S. OWENS

P. DAVID WESTBROOK
HOWARD S. BROOKS

JONATHAN E. VANBOSKERCK

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

RIGOBERTO INZUNZA
3961 Kellogg
Pahrump, NV 89060

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