

LEONARD RAY WOODS,)
)
 Appellant,)
)
 vs.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
 _____)

Electronically Filed
Nov 13 2019 03:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 78816

COMES NOW Appellant, LEONARD RAY WOODS, by and through his attorney, DEBORAH L. WESTBROOK, Chief Deputy Public Defender, and moves this Honorable Court for a **ninety (90) day** extension of time from November 15, 2019, through and including **Thursday, February 13, 2020**, within which to file the Opening Brief and Appendix in this case.

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This Motion is based upon the following Declaration of counsel and all papers and pleadings on file herein.

DATED this 13 day of November, 2019.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By /s/ Deborah L. Westbrook
DEBORAH L. WESTBROOK, #9285
Chief Deputy Public Defender

DECLARATION OF DEBORAH L. WESTBROOK

1. I am an attorney licensed to practice law in the State of Nevada; I am the Chief Deputy Public Defender assigned to handle the appeal of this matter; I am familiar with the procedural history of this case.

2. After representing himself *pro se* at an eight-day jury trial, Appellant Leonard Woods was found guilty of one count of first-degree murder with use of a deadly weapon, two counts of capturing an image of the private area of another person, one count of open or gross lewdness and two counts of ownership or possession of a firearm by a prohibited person.

3. Mr. Woods' Judgment of Conviction (JOC) was filed on May 17, 2019. Pursuant to that JOC, Mr. Woods is currently serving an aggregate sentence of life *without* the possibility of parole, plus a consecutive sentence of 96-240 months.

4. Mr. Woods filed a *pro se* Notice of Appeal in the district court, which was docketed in the Nevada Supreme Court on May 23, 2019. On June 5, 2019, this Court suspended briefing so that appellate counsel could either be appointed or confirmed. On June 14, 2019, the Eighth Judicial District Court filed a notice confirming that the Clark County Public Defender's Office had been re-appointed to represent Mr. Woods in his direct appeal. I was ultimately assigned to represent Mr. Woods on appeal.

5. On June 18, 2019, this Court entered an Order Reinstating Briefing, which gave Mr. Woods 120 days to file and serve his Opening Brief and Appendix. Pursuant to that Order, Mr. Woods' Opening Brief and Appendix were originally due on or before October 16, 2019.

6. On October 14, 2019, I obtained a stipulated 30-day extension of time to file Mr. Woods' Opening Brief and Appendix, which are presently due on or before **November 15, 2019**.

7. The record in Mr. Woods' case is voluminous, spanning four years from the filing of the criminal complaint in August 2015 through the trial in March of 2019. Appellant's Appendix has ten volumes and 2,136 pages, including more than a dozen hand-written motions that were filed by Mr. Woods, himself. As of today's date, I have only reviewed six-out-of-ten Appendix volumes, and I have not yet completed my review of Mr. Woods' trial. I need to obtain the exhibits from Mr. Woods' trial from the evidence vault to determine if any of those exhibits need to be incorporated into his Appendix. In addition, there is at least one sealed transcript (dated July 21, 2016) that Mr. Woods has not yet authorized me to unseal and which may be relevant to an issue on appeal involving Mr. Woods' repeated requests for appointment of alternate counsel. There are also several sealed declarations that may be relevant to this issue, and I would be patently ineffective if

required to submit an Opening Brief on November 15, 2019, without an adequate opportunity to look into these matters.

8. It is standard practice for an appellate attorney to meet with trial counsel prior to filing an opening brief. Since Mr. Woods served as his *own* attorney at trial, it is imperative that I meet with him in person to discuss his case, including whether or not to unseal certain transcripts. However, Mr. Woods is currently in the custody of Ely State Prison, which is an 8-hour round-trip drive from my office and will require an overnight stay. Unfortunately, I am unable to schedule a face-to-face meeting with Mr. Woods until January 2020, at the earliest. In addition, Mr. Woods has advised me that he wishes to actively participate in briefing his appeal, which is appropriate given his involvement in the case both prior to and during trial. I will need time to mail drafts to Mr. Woods and receive/incorporate his comments. Mr. Woods' request is reasonable and consistent with his constitutional rights to due process, effective assistance of counsel, and the right to participate in his own defense, as well as ADKT 411 and the Nevada Rules of Professional Conduct.

9. Mr. Woods is serving a sentence of life without the possibility of parole and this is his only chance to directly appeal that sentence. In my professional opinion, a **90-day** extension of time is necessary in order to

safeguard Mr. Woods' Sixth Amendment right to the effective assistance of counsel, and his 5th and 14th Amendment rights to due process. Therefore, I am requesting a **90-day** extension of time to file my Opening Brief and Appendix, up to and including **Thursday, February 13, 2020**.

10. This Motion for Extension is made in good faith and not for the purpose of delay.

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

EXECUTED on the 13 day of November, 2019.

/s/ Deborah L. Westbrook
DEBORAH L. WESTBROOK

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 13 day of November, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
ALEXANDER CHEN

DEBORAH L. WESTBROOK
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:

LEONARD RAY WOODS
NDOC No. 1216972
c/o Ely State Prison
P.O. Box 1989
Ely, NV 89301

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