

1 28, 2019. Additionally, this Court extended the deadline for Appellant to file the
2 Appendix and Opening Brief to January 16, 2020. Department 19's reporter filed her
3 Notice on October 24, 2019 indicating all outstanding transcripts had been delivered.
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5 7. Upon receipt of the transcripts, the Clark County Public Defender's
6 Office complied the Appellant's Appendix which consists of all transcripts in the case as
7 well as all court minutes and all motions filed in the district court. The Appellant's
8 Appendix consists of 29 volumes containing 6,749 pages.

9 8. On January 8, 2020, Declarant prepared and filed a Stipulation
10 allowing a thirty-day extension until February 18, 2020. This Court filed a Notice
11 approving the stipulation.
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13 9. On February 13, 2020, Declarant filed a Motion for Extension of Time
14 to file the Opening Brief. Declarant **requested 90 days** but inadvertently noted April 20,
15 2020 instead of May 20, 2020 as the new deadline to file the Opening Brief. On
16 February 27, 2020, this Court granted Declarant's motion, but rather than give Declarant
17 the 90 days he requested, the Court presumably relied upon the incorrect April 20, 2020
18 date and therefore, only granted Declarant 60 days making the brief due April 20, 2020.
19 Although Declarant noticed this error, he nevertheless continued to work on the Opening
20 Brief hopeful he could finish the brief by the new April 20, 2020 deadline.
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22 10. Declarant made substantial progress on Sena's Opening Brief.
23 However, on March 20, 2020, Nevada Governor Steve Sisolak issued a mandatory
24 shutdown Order for all non-essential businesses in Nevada in response to the Covid-19
25 pandemic. Shortly thereafter, most courts in Nevada, including this Court, issued
26 administrative orders effectively continuing almost all non-custody criminal matters in
27 the various Judicial Districts into June 2020. The administrative Orders also continued
28 all in-custody jury trials – even those where the defendant had invoked his constitutional

1 and statutory right to a speedy trial – by finding that the Covid-19 pandemic represented
2 good cause to postpone these jury trials.

3 11. Given the disruption Governor Sisolak’s abrupt Order caused, Declarant
4 had to spend significant time ensuring his family would have basic necessities throughout
5 the government mandated shutdown. Sisolak has subsequently amended his Order
6 numerous times. The current shutdown is expected to last until the end of April 2020.
7 However, given his repeated claims that Nevadan’s are not complying with his Order, it
8 appears Sisolak’s mandatory shutdown will likely continue well past April 30, 2020.
9 Additionally, Declarant had to assist his wife during an unexpected illness/convalescence
10 in mid-March. Given the aforementioned, Declarant could not solely dedicate himself to
11 working on Sena’s Opening Brief.

12 12. Although the Clark County Public Defender’s Office is essential – and
13 therefore not bound by Sisolak’s mandate – in order to comply with the spirit of Sisolak’s
14 Order and to also protect the lawyers and staff at the Public Defender’s Office, the Clark
15 County Public Defender instituted a modified schedule for all employees to mitigate the
16 potential spread of Covid-19.¹ Furthermore, in order to avoid exposing only certain
17 deputy public defenders to Covid-19, the Clark County Public Defender’s Office’s
18 Appellate, Murder, and Sexual Assault specialty teams are now assisting with the Las
19 Vegas Justice’s Court video arraignment calendar. These arraignments last all day.
20 Given these additional responsibilities, Declarant, a member of the Appellate team, has
21 not been able to focus solely on his Appellate case load which includes Sena’s Opening
22 Brief.

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¹ Declarant believes the Clark County District Attorney’s Office has instituted a modified schedule for its employees as well.

1 13. Due to the voluminous Appendix in Sena’s case (29 volumes containing
2 250 pages each), as well as Declarant’s other appellate responsibilities, Declarant had to
3 spend an inordinate number of hours reading the Appendix, assessing the potential
4 appealable issues, speaking with Sena,² and writing the Opening Brief. Declarant affirms
5 he has read the entire Appendix and notated where the appealable issues are located
6 within the Appendix, has identified all appealable issues, has conducted applicable legal
7 research regarding the appealable issues, and has written a portion of the Opening Brief.
8 However, as noted, given the number of counts for which Sena was convicted, the
9 testimony from the dozens of witnesses regarding allegations spanning almost two (2)
10 decades, and the almost five years from criminal complaint to conviction, there are
11 numerous, significant, and potentially meritorious issues in Sena’s appeal which requires
12 extensive writing. So far, without edits, Sena’s brief substantially exceeds the applicable
13 page/word limit as explained in NRAP 32(a)(7)(A)(i)-(ii).
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16 14. While Declarant requests an additional 30 days to complete the
17 Opening Brief, Declarant is somewhat confident he should be able to file the Opening
18 brief before the new May 20, 2020 deadline. Nevertheless, in an abundance of caution,
19 Declarant is requesting a full thirty (30) day extension of time within which to the instant
20 Opening Brief. This is Declarant’s second direct request to this Court for an extension of
21 time. Declarant and the State of Nevada stipulated to an initial 30-day continuance on
22 January 8, 2020, pursuant to NRAP 26(b)(2) and NRAP 31(2).
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27 ² Although Sena is currently housed at High Desert State Prison in Indian Springs,
28 Nevada, which is not far from Las Vegas, NDOC has discontinued contact visits with
inmates for the foreseeable future. This moratorium includes attorney-client visits. Thus,
Declarant has been unable to meet with Sena in person and must rely upon telephone
calls. Unfortunately, Declarant can only speak to Sena if Sena is able to call and
Declarant happens to be at his desk.

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15. Declarant asserts the reasons mentioned herein constitute good cause to support his modest request for an extension of time. Therefore, Declarant affirms that this Motion 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 10 day of April, 2020.

/s/ William M. Waters
WILLIAM M. WATERS

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 10 day of April, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD	WILLIAM M. WATERS
ALEXANDER CHEN	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:

CHRISTOPHER SENA
NDOC No. 1217884
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89018

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