IN THE SUPREME COURT OF THE STATE OF NEVADA

_____

CHRISTOPHER SENA,   )
)
                    Appellant,   )
)
        vs.   )
)
THE STATE OF NEVADA,   )
)
                    Respondent.)
_____)

APPELLANT'S MOTION FOR LEAVE TO FILE
OPENING BRIEF IN EXCESS OF TYPE-VOLUME LIMITATION

Comes Now Appellant, CHRISTOPHER SENA, by and through Deputy

Public Defender, WILLIAM M. WATERS, and moves this Honorable Court for

leave to file an Opening Brief in excess of type-volume limitations. This Motion

is based upon the attached Declaration of Counsel.

DATED THIS 20th day of May, 2020.

> DARIN F. IMLAY
> CLARK COUNTY PUBLIC DEFENDER
>
>
> By: _____*/s/ William M. Waters*_____
>   WILLIAM M. WATERS #9456
>   Deputy Public Defender

DECLARATION OF WILLIAM M. WATERS

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

2.   Sena's case began when the State filed the initial criminal complaint on September 19, 2014. Ultimately, the State alleged Appellant committed 120 offenses over nearly two decades – with the majority of offenses carrying a sentence of life in prison.

3.   During the five (5) years between the case's inception and its conclusion, the State and Sena engaged in extensive litigation. Additionally, Sena's actually commenced trial twice, the first trial being aborted by the district court judge during jury selection. Sena's trial which resulted in conviction began on January 28, 2019 and lasted 17 days with over a dozen witnesses testifying to facts which occurred over two decades.

4.   Sena was convicted of 95 of the charged offenses. The district court sentenced Sena to life in prison with parole eligibility after 327 years.

5.   The Appendix for Sena's case consists of 29 volumes numbering 6,805 pages.   Given the sheer number of charges and

convictions, and the issues related to these convictions, Declarant cannot meet the page/word limit requirements under NRAP 32(a)(7).

6. Indeed, pursuant to Declarant's obligations under the Nevada Rules of Appellate Procedure, the Nevada Rules of Professional Conduct and ADKT 411, the Nevada Indigent Defense Standards of Performance, Standards 2-10(a), 3-1, 3-2(a)-(f), Declarant is required to raise all potentially meritorious issues in the Opening Brief, including unpreserved issues and issues which may be "complex, unique, controversial in nature, such as issues of first impression or arguments for change in the existing law."

7. The instant Opening Brief raises numerous potentially meritorious issues, some of which are issues of first impression, issues of constitutional magnitude and/or complex in magnitude, and issues which were unpreserved below. Those issues include, but are not necessarily limited to:

(a) Issues involving the statutes of limitation for 63 different charges. Given the varied dates between when the alleged offenses occurred and when the State filed charges, Declarant had to expend substantial attention to each and every charge implicated by his statute of limitations defense. The argument on this issue is approximately 10,141 words;

(b)   An issue involving a courtroom closure which violated Sena's right to a public trial. The argument on this issue is approximately 2,104 words;

(c)   An issue regarding the evidentiary sufficiency for numerous convictions. Included in this argument is a detailed analysis regarding the constitutionality of Nevada's child pornography law. The argument on this issue is approximately 4,404 words;

(e)   An issue involving the unit of prosecution concerning Sena's convictions for Possession of Child Pornography, Incest, and Child Abuse, Neglect or Endangerment. The unit of prosecution for Incest and Child Abuse, Neglect or Endangerment is an issue of first impression in Nevada. The argument on this issue is approximately 2,461 words;

(f)   An issue involving multiple convictions which violated Sena's State and Federal Constitutional right against double jeopardy. The argument on this issue is approximately 1,232 words;

8.   To fully develop the facts and issues in this case, I found it necessary to write an Opening Brief in excess of 14,000 words and 1,300 lines of text. The Opening Brief contains 27,608 words and 2,600 lines of text which exceeds the limitations set forth in NRAP 32(a)(7).

9.   Accordingly, I am requesting that this Honorable Court grant appellant leave to submit the Opening Brief in excess of 14,000 words and 1,300 lines of text.

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

EXECUTED on the 20th day of May, 2020.

                                     /s/ William M. Waters
                                       WILLIAM M. WATERS

CERTIFICATE OF COMPLIANCE

1. I hereby certify that the opening brief complies partially with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

The opening brief has been prepared in a proportionally spaced typeface using Times New Roman in 14 size font.

2. I further certify that the opening brief is proportionately spaced, has a typeface of 14 points or more, however, it contains 27,608 words and 2,600 lines of text which exceeds the limitations set forth in NRAP 32(a)(7).

DATED this 20th day of May, 2020.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By_____*/s/ William M. Waters*_____
        WILLIAM M. WATERS, #9456
        Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20th day of May, 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 89070

BY__ _/s/ Carrie M. Connolly___
Employee, Clark County Public
Defender's Office