

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SENA,)	
)	
Appellant,)	Electronically Filed
)	Feb 16 2021 03:15 p.m.
vs.)	Elizabeth A. Brown
)	Clerk of Supreme Court
THE STATE OF NEVADA,)	Case No. 79036
)	
Respondent.)	
)	

APPELLANT’S MOTION FOR EXTENSION OF TIME

Comes Now Appellant CHRISTOPHER SENA, by and through Deputy Public Defender WILLIAM M. WATERS, and hereby moves for a forty-five (45) day extension of time from Friday, February 19, 2021, through and including April 5, 2021, within which to file the Reply Brief in this case. This Motion is based upon the attached Declaration of counsel.

DATED this 16th day of February, 2021.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By /s/ William M. Waters
WILLIAM M. WATERS, #9456
Chief 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 handle the appeal of this matter; I am familiar with the procedural history of this case.

2. Appellant's case began when the State filed the criminal complaint on September 19, 2014. The State alleged Appellant's committed 120 offenses over nearly two decades, with the vast majority of offenses carrying a sentence of life in prison. Appellant's case concluded when the district court sentenced Appellant on May 28, 2019, upon conviction after jury trial. The district court sentenced Appellant to life in prison with parole eligibility after 327 years.

3. During the almost five years between the case's inception and its conclusion, both the State and Defendant filed numerous motions in the district court which resulted in extensive argument. Additionally, Appellant's trial initially began on September 5, 2018, before the being aborted by the district court judge and then re-set for January 28, 2019. Appellant's trial began on January 28, 2019 and lasted 17 days with over a dozen witnesses testifying to facts which occurred over two decades.

4. The Clark County Public Defender's Office filed the Notice of Appeal in this matter on June 14, 2019.

5. The Clark County Public Defender's Office filed its Request for Transcripts and Docketing Statement on July 8, 2019, thereby making the Opening Brief due within 120 days (November 8, 2019).

6. On August 27, 2019, District Court Department 19's court reporter filed a request to extend time to file the transcripts. This Court granted the request on September 3, 2019 and ordered the reporter to file the transcripts by October 18, 2019. The Court also ordered the reporter to file her Notice of transcript delivery by October 28, 2019. Additionally, this Court extended the deadline for Appellant to file the Appendix and Opening Brief to January 16, 2020. Department 19's reporter filed her Notice on October 24, 2019 indicating all outstanding transcripts had been delivered.

7. Upon receipt of the transcripts, the Clark County Public Defender's Office complied the Appellant's Appendix which consists of all transcripts in the case as well as court minutes and all motions filed in the district court. The Appellant's Appendix consists of 29 volumes containing 6,749 pages.

8. On January 8, 2020, Declarant prepared and filed a Stipulation allowing a thirty-day extension until February 18, 2020. The State had no opposition and this Court filed a Notice approving the stipulation.

9. On February 13, 2020, Declarant filed a Motion to Extend Time to File the Opening Brief requesting a 90-day extension. This Court granted Declarant's Motion and ordered the Opening Brief to be filed by April 20, 2020.

10. On April 10, 2020, Declarant filed another Motion to Extend time requesting 30 additional days. On April 23, 2020, this Court granted the request and ordered the Opening Brief to be filed by May 20, 2020.

11. On May 20, 2020, Appellant filed his Opening Brief along with a motion to File the Brief in Excess of Type-Volume Limitation. This Court granted Appellant's Motion on June 4, 2020, and accepted Appellant's Opening Brief for filing and Ordered the State to file its Answering Brief by June 19, 2020.

12. On June 19, 2020, the State filed a Motion to Extend Time requesting 60 days to file its Answering Brief. On June 24,

2020, this Court granted the State's request and ordered the State to file its Answering Brief by August 18, 2020.

13. On August 18, 2020, the State filed another Motion to Extend Time requesting an additional 60 days to file its Answering Brief. This Court granted the State's request and ordered the State to file the Answering Brief by October 19, 2020.

14. On October 19, 2020, the State filed another Motion to Extend Time requesting an additional 30 days to file its Answering Brief. On October 28, 2020, this Court granted the request and ordered the State to file its brief by November 18, 2020.

15. On November 18, 2020, the State filed a Motion to file Brief in Excess of Type-Volume Limitation. The State desired to file a brief containing 55,975 words. Appellant opposed the States motion. Although Appellant recognized the State's need to file an Answering Brief in Excess of the limitations contained within NRAP 32, the State's proposed Answering brief had almost double the number of words as Appellant's Opening brief.¹ On November 30, 2020, this Court granted the State's motion in part by giving the State

¹ Appellant's Opening Brief contained 27,608 words.

an additional 21 days to file an Answering brief containing no more than 27,000 words.

16. On December 21, 2020, the State filed its Amended Answering Brief which complied with this Court's order regarding the word limit.² This Court noted Appellant's Reply Brief would be due January 20, 2021.

17. On January 13, 2020, Declarant filed a Stipulation to Extend Time to File his Reply Brief requesting 30 additional days to file his Reply Brief. This Court approved the Stipulation that same day and advised the Reply brief would be due February 19, 2021.

18. On January 19, 2021, Declarant's daughter was born premature. Accordingly, Declarant took time off work to care for his wife and newborn daughter and was was unable to work on Sena's Reply brief.

19. Prior to his leave, Declarant had begun working on Sena's Reply Brief. Declarant is now back at work. Unfortunately

² The State also filed a Motion to file Brief in Excess of Type-Volume Limitations for its Amended Brief. However, the State miscalculated its word count. Accordingly, on December 24, 2020, this Court filed an Order noting it declined to consider the State's motion because the State's submitted Brief contained 26,917 words which was within the 27,000 ordered by this Court.

however, declarant will not be able to file the brief by the February 19, 2021, deadline.

20. Given the gravity of Appellant's sentence, the seriousness of offenses alleged, the length of trial, the five years between when the State charged Appellant and when he was ultimately convicted, and the sheer volume of documents associated with Appellant's case, it is imperative that Declarant spend time conducting thorough research into each argument the State presented in its Answering Brief in this matter. Accordingly, Declarant is requesting a forty-five (45) day extension of time within which to prepare and file the instant Reply Brief. This is Declarant's second request for an extension of time and 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 16th day of February, 2021.

/s/ William M. Waters
WILLIAM M. WATERS

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 16th day of February, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
ALEXANDER CHEN

WILLIAM M. WATERS

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