

KATHERINE D. FLETCHER,)
)
 Appellant,)
)
 v.)
)
 STATE OF NEVADA,)
)
 Respondent.)
 /

Electronically Filed
 Oct 07 2021 12:13 p.m.
 Elizabeth A. Brown
 Clerk of Supreme Court
Supreme Court No. 82047

COMES NOW, Appellant Katherine D. Fletcher, by and through counsel, Victoria T. Oldenburg, and respectfully moves for a third extension of time within which to file the Opening Brief and Appendices in the above-entitled matter by 30 days. This request is made pursuant to NRAP 26(b) and the attached Declaration of Counsel.

VICTORIA T. OLDENBURG, ESQ.
Oldenburg Law Office
Nevada State Bar No. 4770
Counsel for Appellant

DECLARATION OF VICTORIA T. OLDENBURG

1. I am an attorney dully licensed to practice law in the State of Nevada and am the appointed counsel of Appellant Katherine D. Fletcher on her direct appeal of her conviction currently pending before this Honorable Court. Appellant was convicted by a jury of first-degree murder with the use of a deadly weapon and is serving a prison term of life without the possibility of parole.

2. Appellant's Opening Brief and Appendix are currently due October 18, 2021.

3. In August, 2021, I arranged for a telephonic attorney conference call with Appellant at Florence McClure Correctional Facility to discuss her direct appeal. The call took place on August 27, 2021. At the onset of the call Appellant informed me she was not prepared for the call but still wanted to proceed. I explained the direct appeal process to Appellant, including the record on appeal and related limitations, and the difference between a direct appeal and a post-conviction petition for writ of habeas corpus. I also explained to Appellant the issues I had identified for the direct appeal. Because Appellant stated she was not prepared for the call I informed her I would arrange for a follow-up call.

4. I worked with the scheduler for the Florence McClure Correctional Facility and a second attorney conference call was arranged with Appellant for September 30, 2021, 7:00 a.m.

5. On September 12, 2021, when on I was on vacation out of state, I received a voice-mail message from Appellant informing me she had been transferred to Northern Nevada Correctional Center (NNCC) for a matter regarding a family court case. I was on vacation thus not able to arrange a meeting with Appellant while she was briefly at NNCC. Since that time I have not received any other calls from Appellant.

6. On September 22, 2021 I was contacted by the scheduler at Florence McClure Correctional Center to confirm the September 30, 2021 call. I was then informed that Appellant was still at NNCC, was expected to return to Florence McClure by the end of that week, and upon her return would be quarantined for 2 weeks and that, barring any changes in her health, would be available for a telephonic attorney conference call by October 15, 2021.

7. Given Appellant's recent filing of October 5, 2021, including her second request for a Young hearing, I believe an additional call with Appellant is necessary prior to filing the Opening Brief in this matter.

8. A 30-day extension of time, up to and including November 18, 2021, to submit the Opening Brief and Appendices should provide ample opportunity for me to have a second call with Appellant regarding the Opening Brief and an opportunity for Appellant to prepare for our call. I do not anticipate needing any additional extensions of time.

9. I affirm that this Motion for Extension of Time is made in good faith and not for the purpose of delay or other improper purpose.

Dated this 7th day of October, 2021.

/s/ Victoria T. Oldenburg

VICTORIA T. OLDENBURG, ESQ
Nevada State Bar No. 4770
Attorney for Appellant

CERTIFICATE OF SERVICE

Electronically

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

Washoe County District Attorney
Marilee Cate, Appellate Deputy

Aaron D. Ford
Nevada Attorney General

Via USPS

Ms. Katherine Dee Fletcher, #1220599
Florence McClure Woman's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

DATED this 7th day of October, 2021.

Victoria T. Oldenburg
Attorney for Appellant