

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIO TREJO,)	NO. 84724
)	
Appellant,)	Electronically Filed
)	Dec 28 2022 02:22 PM
vs.)	Elizabeth A. Brown
)	Clerk of Supreme Court
)	
THE STATE OF NEVADA,)	
)	
Respondent.)	
)	

APPELLANT’S MOTION FOR EXTENSION OF TIME

First Request

Comes Now Appellant MARIO TREJO, by and through Deputy Public Defender WILLIAM M. WATERS, and hereby moves for a forty-five (45) day extension of time from Tuesday, January 3, 2023, through and including February 17, 2023, within which to file the Opening Brief in this case. This Motion is based upon the attached Declaration of counsel.

DATED this 28th day of December, 2022.

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 indictment on October 4, 2018. The State alleged Appellant's committed 13 very serious offenses with one offense carrying a potential sentence of life in prison. Appellant's case concluded when the district court sentenced Appellant on June 15, 2022, upon conviction after jury trial. The district court sentenced Appellant to life in prison with parole eligibility after 15 years.

3. During the roughly four 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, the Covid 19 pandemic which began in February 2020 delayed Appellant's trial. Eventually the district court granted Appellant's request to represent himself. Due to an injury appellant suffered during his incarceration, Appellant lost his ability to speak prior to his trial. Appellant's trial began on April 18, 2022 and

ended on May 4, 2022. Twenty-two (22) witnesses testified during Appellant's trial.

4. The Clark County Public Defender's Office filed the Notice of Appeal in this matter on June 28, 2022.

5. The Clark County Public Defender's Office filed its Request for Transcripts and Docketing Statement on July 6, 2022, thereby making the Opening Brief due within 120 days.

6. On August 26, 2022, District Court Department 24's court reporter filed a request to extend time to file transcripts. This Court granted the request on August 30, 2022, and ordered the reporter to file the transcripts by September 27, 2022. Additionally, this Court extended the deadline for Appellant to file the Appendix and Opening Brief to December 2, 2022. Department 24's reporter filed Notice on October 4, 2022, indicating all outstanding transcripts had been delivered.

7. Upon receipt of all transcripts in this case, 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 14 volumes containing 3,197 pages.

8. On November 8, 2022, Deborah Westbrook, a Deputy Public Defender assigned to the Appellate team, won her race for the Nevada Court of Appeals. Westbrook was immediately disassociated from any case she had been working on which was not likely to resolve before January so as to not create any potential recusal issues for pending appeals from the Clark County Public Defender's Office once Westbrook joined the Court of Appeals. Additionally, due to Westbrook's election victory, and pending separation from the office, other appellate assignments had to be redistributed to other appellate attorneys.

9. On November 17, 2022, Declarant prepared and filed a Stipulation allowing a thirty-day extension until January 2, 2023, in which to file the Opening Brief. The State had no opposition and this Court field a Notice approving the stipulation.

10. Given the voluminous Appendix in this case, Declarant's other appellate responsibilities, personnel changes within the Clark County Public Defender's Office, and the intervening holidays, Declarant only recently completed reading the entire Appendix. Declarant has made a preliminary assessment concerning the appealable issues, has contacted Appellant, and has begun writing

the Opening Brief. While there are numerous issues in Appellant's case, Declarant unfortunately has only been able to conduct general legal research related to the identifiable issues and has not begun briefing these issues. Accordingly, Declarant will be unable to file the Opening Brief by the January 2, 2023, deadline.

11. Given the gravity of Appellant's sentence, the seriousness of offenses alleged, the length of trial, the 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 identifiable issue prior to finalizing the Opening Brief in this matter. Accordingly, Declarant is requesting a forty-five (45) day extension of time within which to prepare and file the instant Opening Brief. This is Declarant's first 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 28th day of December, 2022.

/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 28th day of December, 2022. 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:

MARIO TREJO
NDOC No. 1258166
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