## IN THE SUPREME COURT OF THE STATE OF NEVADA 1 2 3 BENNETT GRIMES, 4 Electronically Filed Jun 18 2013 03:31 p.m. Appellant, 5 Case No Tracies K. Lindeman Clerk of Supreme Court 6 VS. THE STATE OF NEVADA, 8 Respondent. 9 10 APPELLANT'S MOTION FOR EXTENSION OF TIME DUE TO 11 REASSIGNENT OF CASE TO NEW APPELLATE DEPUTY 12 Comes Now Appellant BENNETT GRIMES, by and through Deputy 13 Public Defender HOWARD S. BROOKS, and moves for a sixty-one (61) day extension 14 15 of time from Wednesday, June 19, 2013, through and including Monday, August 19, 16 2013, within which to file the Fast Track Statement in this case. This Motion is based 17 upon the attached Declaration of counsel. 18 19 DATED this 18<sup>th</sup> day of June, 2013. 20 PHILIP J. KOHN 21 CLARK COUNTY PUBLIC DEFENDER 22 23 /s/ Howard S. Brooks By 24 HOWARD S. BROOKS, #3374 25 Deputy Public Defender 309 So. Third Street, Suite #226 26 Las Vegas, Nevada 89155-2610 (702) 455-4685 27

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## **DECLARATION OF HOWARD S. BROOKS**

- 1. I am an attorney licensed to practice law in the State of Nevada; I am a deputy public defender currently serving as Chief of the Appellate Team. I am familiar with the procedural history of this case.
- 2. This case was assigned, on March 11, 2013, to attorney David Westbrook, a member of the Appellate Team at the Clark County Public Defender's Office.
- 3. The Fast Track Statement in this case is currently due to be filed on Wednesday, June 19, 2013. This deadline represents the result of a motion for an extension in time filed by the court reporter and a resulting Order from the Nevada Supreme Court. As of today, the Clark County Public Defender has not sought any extensions in time to file the Fast Track Statement in this case.
- 4 David Westbrook has been re-assigned to another team within the office, which means this case must be re-assigned to another deputy.
- 5. Our office has hired an excellent attorney, Deborah Westbrook, to replace David on the Appellate Team. Her employment commenced this week in the Public Defender Office and she is currently undergoing training. Her training will be complete in August.
- 6. Because Deborah Westbrook will not be able to serve full-time on the Appellate Team until August, I am requesting a 61 day continuance in the deadline to file the Fast Track Statement in this case. Such an extension will allow her to work on this appeal while also completing the mandatory training program all new attorneys must complete.

1	7. The circumstances mandating the re-assignment of this case were no
2	foreseeable until approximately two weeks ago.
3	8. This motion is made in good faith and not for any purpose of delay.
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5	I declare under penalty of perjury that the foregoing is true and correct.
6	EXECUTED on the 18 <sup>th</sup> day of June, 2013.
7 8	/s/ Howard S. Brooks HOWARD S. BROOKS
9	CERTIFICATE OF SERVICE
10 11	I hereby certify that this document was filed electronically with the Nevad
12	Supreme Court on the 18 <sup>th</sup> day of June, 2013. Electronic Service of the foregoing
13	document shall be made in accordance with the Master Service List as follows:
14 15	CATHERINE CORTEZ MASTO HOWARD S. BROOKS STEVEN S. OWENS
16 17	I further certify that I served a copy of this document by mailing a true and
18	correct copy thereof, postage pre-paid, addressed to:
19	
20	BENNETT GRIMES NDOC No. 1098810 c/o High Desert State Prison P.O. Box 650 Indian Springs, NV 89018
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24	BY /s/ Carrie M. Connolly  Employee, Clark County Public  Defender's Office
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