

No. 20-6386

OCTOBER TERM, 2020

IN THE SUPREME COURT OF THE UNITED STATES

JAMES WALKER, Petitioner,

v.

WILLIAM GITTERE, et al., Respondent.

On Petition for Writ of Certiorari to the
Nevada Supreme Court

**MOTION TO DELAY DISTRIBUTION OF A PETITION FOR WRIT
OF CERTIORARI**

CAPITAL CASE

RENE L. VALLADARES
Federal Public Defender of Nevada
JOANNE L. DIAMOND*
MARTIN L. NOVILLO
**Counsel of Record*
Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
(702) 388-5819 (Fax)
Joanne_Diamond@fd.org
Martin_Novillo@fd.org

Counsel for Petitioner

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To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to this Court’s March 19, 2020 Order, Petitioner James Walker respectfully requests this Court delay distribution of his petition for writ of certiorari in *Walker v. Gittere*, No. 20-6386, until the February 18, 2021 distribution date due to difficulties related to COVID-19.

1. James Walker filed a petition for writ of certiorari on November 16, 2020, and it was placed on the docket on November 19, 2020. In the petition, Mr. Walker argued his Fourteenth Amendment right to equal protection was violated when the trial court and Nevada Supreme Court circumvented the three-step framework

articulated in *Batson v. Kentucky*, 476 U.S. 79 (1986), and failed to disallow a racially motivated peremptory strike by the State during jury selection.

2. Respondent William Gittere filed his brief in opposition on January 13, 2021.

3. Based upon the filing date of the brief in opposition, without an extension of time, Mr. Walker's reply brief would need to be filed with the Court by the January 28, 2021 distribution deadline.

4. Mr. Walker respectfully requests that this Court delay distribution of his petition for a writ of certiorari until the February 18, 2021 distribution deadline based upon difficulties resulting from the COVID-19 pandemic. Specifically, counsel drafting the reply is currently experiencing time constraints due to the recent, temporary closure of his child-care provider following positive COVID-19 tests at the facility. In addition, individuals working on Mr. Walker's case are working remotely and experiencing scheduling constraints due to their inability to freely access the Federal Public Defender's offices.

5. The later distribution date creates a twenty-one-day extension of time on the reply brief which is reasonable given the circumstances.

6. This request comes well before the two days prior to the current distribution date, as specified in the March 19, 2020 order.

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7. Undersigned counsel contacted counsel for Respondents via e-mail on January 19, 2021, to ascertain their position on this motion. Opposing counsel does not oppose Mr. Walker's request.

DATED this 19th day of January, 2021

Respectfully submitted,

RENE VALLADARES
Federal Public Defender of Nevada

/s/ Joanne L. Diamond
JOANNE L. DIAMOND*
Assistant Federal Public Defender
*Counsel of Record
411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
Joanne_Diamond@fd.org

/s/ Martin L. Novillo
MARTIN L. NOVILLO
Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
Martin_Novillo@fd.org

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby declare that on 19th day of January, 2021, I served Petitioner's
MOTION TO DELAY DISTRIBUTION OF A PETITION FOR WRIT OF
CERTIORARI by depositing an envelope containing the Motion in the United States
mail, with first-class postage prepaid, addressed as follows:

Jonathan E. VanBoskerck
Clark County Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, NV 89155

/s/ Martin L. Novillo
MARTIN L. NOVILLO
Assistant Federal Public Defender