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3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4
5 LUIS A, HIDALGO, JR.

6 Appellant,

7 vs.

8 THE STATE OF NEVADA

9 Respondent.

Electronically Filed
Oct 09 2012 03:06 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
CASE NO. 54209

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11 **LUIS A. HIDALGO, JR.'S MOTION FOR PERMISSION TO FILE A**
12 **REPLY TO ANSWER TO PETITION FOR *EN BANC***
13 **RECONSIDERATION**

14 COMES NOW Appellant, Luis Hidalgo, Jr. by and through counsel,
15 Dominic P. Gentile, Esq., of the law firm of Gordon Silver, and files this Motion
16 for Permission to File a Reply to Answer to Petition for *En Banc* Reconsideration.

17 After the panel affirmed his conviction, Mr. Hidalgo, Jr. brought a Petition
18 of En Banc Reconsideration on August 10, 2012. Thereafter, on September 19,
19 2012, this Court entered an Order directing the State to bring an Answer to the
20 Petition. The State submitted its Answer on October 2, 2012.

21 Nevada Rule of Appellate Procedure 27(a) permits a moving party to request
22 an order or "other relief." It is respectfully requested that this Court allow Mr.
23 Hidaglo Jr. to bring a limited 11 page Reply to the State's Answer to the Petition
24 For *En Banc* Reconsideration. It is necessary that Mr. Hidalgo Jr. be afforded the
25 opportunity to reply to the State's Answer because there were misstatements of law
26 advanced by the State that must be rectified before this issue of first impression
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1 can be decided.

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3 Dated this 9th day of October, 2012.

4 GORDON SILVER

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I further certify that this brief complies with the page or type-volume limitations of NRAP 40 or 40A because it does not exceed ten (10) pages.

DATED this 9th day of October, 2012.



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