IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS A, HIDALGO, JR.

Electronically Filed
Oct 09 2012 03:06 p.m.
CASE NO. 54709cie K. Lindeman
Clerk of Supreme Court

Appellant,

VS.

THE STATE OF NEVADA

Respondent.

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

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

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

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

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Gordon Silver

Vegas, Nevada 89169 (702) 796-5555 1 of 4

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3	Dated this day of October, 2012.
4	GORDON-SHOVER
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7	DOMINIC P. GENTILE, ESQ. State Bar No. 1923
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CERTIFICATE OF COMPLIANCE

I hereby certify that this Motion for Permission to File to File a Reply to Answer to Petition for *En Banc* Reconsideration complies with the formatting requirement of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft(r) Word 2010 in Times New Roman 14-pt.

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 <u>day</u> of October, 2012.

GORDON SILVER

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Attorneys for Appellant

CERTIFICATE OF SERVICE

,	The undersign	ied, an ei	mployee of	Gordon Silv	er, hereby ce	rtifies tha	it on the
9	day of Octob	er, 2012,	she served	a copy of th	ne Motion for	Permission	to File a
Reply t	o Answer to Po	etition for	En Banc Re	econsideration	Pursuant to	Nevada	Rule of
Appell	ate Procedure	e 40, by	Electronic	Service, in	accordance	with the	Master
Service	e List as follov	ws:					

Steven S. Owens Nancy A. Becker Chief Deputy District Attorney Regional Justice Center 200 Lewis Avenue Las Vegas, NV 89155

ADELE L. JOHANSEN, an employee Of GORDON SILVER