

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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5 LUIS A, HIDALGO, JR.

6 Appellant,

7 vs.

8 THE STATE OF NEVADA

9 Respondent.

CASE NO. 54209

and

CASE NO. 54272 ✓

FILED

APR 21 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. V. V. V.
DEPUTY CLERK

11 **LUIS A. HIDALGO, JR.'S AND LUIS HILDALGO. III'S JOINT MOTION FOR A**
12 **SECOND EXTENSION**
13 **OF TIME TO FILE OPENING BRIEF**

14 COMES NOW Appellants, Luis A. Hidalgo, Jr., (hereinafter "Hidalgo Jr.") by and
15 through his counsel, Dominic P. Gentile, Esq., of the law firm of Gordon Silver, and Luis A.
16 Hidalgo, III., (hereinafter "Hidalgo III.") by and through his counsel, John L. Arrascada, Esq., of
17 law firm of Arrascada & Arrascada Ltd., and jointly file this Motion for Extension of Time to
18 file Opening Brief based upon NRAP 31(a)(1) and NRAP 26(d).

19 NRAP 26d(d) states, in pertinent part, that "time provided in any of theses rules within
20 which an act shall be done, may be extended or shortened . . . by order of the court or a justice
21 thereof upon good cause shown. NRAP 26(d). Further, NRAP 31(a)(1) states, in pertinent part,
22 that "[a]pplications for extensions of time beyond that which the parties are permitted to stipulate
23 . . . will be considered only on motion for good cause clearly shown, or ex parte in cases of
24 extreme and unforeseeable emergency." NRAP 31(a)(1).

25 This Motion is made and based on the following:

26 **REGARDING HIDALGO III.'s Counsel's good cause for an extension of time:**

27 Counsel for Hidalgo III., has suffered through multiple family tragedies since the
28 untimely death of his father and law partner LeRoy Arrascada on December 15th.

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1 2. On January 30, 2010, Counsel and his wife, who was five (5) months pregnant,
2 were told by their Doctor that the baby had died in the womb due to a heart defect.

3 3. On February 3, 2010 Counsel's wife underwent a surgical procedure to remove
4 the five (5) month deceased baby.

5 4 On March 22, 2010 Counsel had to rush his wife to the Emergency Room where
6 she subsequently had an emergency removal of Counsel's wife's gall bladder.

7 5. Throughout this time counsel was the sole care provider for his three (3) year old
8 daughter. Although counsel was able to perform some work, he was unable to adequately and
9 competently perform his appellate services for Hidalgo III based on the enormity of the transcript
10 and complexity of the issues.

11 6. Because of the above counsel has had to terminate meetings with his client and
12 must go over the brief, when finished, and the issues being presented.

13 **REGARDING HIDALGO Jr. Counsel's good cause for an extension of time:**

14 1. Counsel for Appellant Luis Hidalgo Jr., has traveled out of the State to Chicago,
15 Illinois, numerous times on business for other clients over the past three months being in
16 Chicago one to two weeks at a time. Counsel departed Las Vegas to travel to Chicago on
17 Monday, April 19, 2010 and will not return until late the late evening of Sunday, April 25, 2010.

18 2. The jury trial in the Hidalgo case lasted for three weeks and the record contains
19 fifteen (15) volumes with approximately 3359 pages.

20 3. Appellant is currently incarcerated at the Southern Desert Correction facility.
21 Counsel had an appointment scheduled for April 16, 2010 to visit with Appellant, but due to an
22 emergency had to cancel said appointment. An appointment is now scheduled for Friday, April
23 30, 2010, to discuss the issues to be presented in the appeal.

24 **COUNSELS' DISCUSSION REGARDING THE EXTENSION FOR TIME TO**
25 **FILE THEIR OPENING BRIEFS WITH THE STATE AND REQUEST FOR**
26 **ADDITIONAL TIME**

27 1. Counsel for Hidalgo, Jr. and Hidalgo, III. have spoken with Chief Deputy District
28 Attorney Nancy A. Becker and she has advised that the District Attorney's Office has no

1 intention of filing an opposition to this Motion.

2 2. This motion is made in good faith and not for purposes of delay.

3 3. Counsel asks this Court to grant an additional 60 days from April 29, 2010, within
4 which to file Appellant's Opening Brief.

5 4. Further counsel will be motioning this court in the near future regarding
6 consolidation on common issues between both appellants.

7 **AFFIRMATION**

8 **Pursuant to NRS 239B.030**

9 The undersigned does hereby affirm that the foregoing document(s) **DO NOT** contain the
10 social security number of any person.

11 Dated this 16th day of April, 2010.

12 GORDON SILVER

13
14  For
15 DOMINIC P. GENTILE

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Attorney for Appellant Luis A. Hidalgo, Jr.

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Attorney for Appellant Luis A. Hidalgo, III.

1 **CERTIFICATE OF SERVICE**

2 The undersigned, an employee of Arrascada & Arrascada Ltd, hereby certifies that on the
3 21 day of April, 2010, she served a copy of the LUIS A. HIDALGO, JR.'S AND LUIS A
4 HIDALGO, III'S MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF, by
5 facsimile, and by placing said copy in an envelope, postage fully prepaid, in the U.S. Mail at
6 Reno, Nevada, said envelope addressed to:

7 Nancy A. Becker
8 Chief Deputy District Attorney
9 Regional Justice Center
10 200 Lewis Avenue
11 Las Vegas, NV 89155

12 
13 BARBARA J. GREEN, an employee of
14 ARRASCADA & ARRASCADA LTD.
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