

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3 LUIS A. HIDALGO, III

4 Appellant,

5 v.

6 STATE OF NEVADA,

7 Respondent.

No. 54272

FILED

DEC 24 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Malone*
DEPUTY CLERK

8
9 **MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

10 COMES NOW, Appellant, LUIS A. HIDALGO, III, through his attorney of record, John
11 L. Arrascada, Esq., and the law offices of Arrascada & Arrascada, Ltd., and files this Motion
12 for Extension of Time to File Opening Brief based upon NRAP 31(a)(1) and NRAP 26(d).

13
14 NRAP 26(d) states in pertinent part that "time provided in any of these rules within
15 which an act shall be done, may be extended or shortened . . . by order of the court or a
16 justice thereof upon good cause shown." NRAP 26(d). Further, NRAP 31(a)(1) states in
17 pertinent part that "[a]pplications for extensions of time beyond that which the parties are
18 permitted to stipulate . . . will be considered only on motion for good cause clearly shown, or
19 ex parte in cases of extreme and unforeseeable emergency." NRAP 31(a)(1).

20
21 Appellant filed his notice of appeal on July 16, 2009 and subsequently filed his
22 request for transcripts of proceeding. This court docketed Appellant's appeal on August 3,
23 2009, making appellant's opening brief due 120 days later on December 1, 2009. On or
24 about October 15, 2009, the 8th Judicial District Court court reporter, however, asked this
25 court for an extension of time to file the transcripts. Counsel for Appellant, therefore, did not
26 receive the transcripts of Appellant's jury trial until December 1, 2009. On December 17,

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RECEIVED
DEC 24 2009
TRACIE K. LINDEMAN
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DEPUTY CLERK

69-21356

1 2009, this court ordered that the time for filing the opening brief and appendix be extended
2 until January 29, 2009.

3 On December 15, 2009, the father and partner of counsel for Appellant, Attorney
4 LeRoy Arrascada, Esq., founder of Arrascada & Arrascada, Ltd., passed away. Counsel for
5 Appellant, therefore, has lost valuable time to work on Appellant's appeal and has also
6 assumed LeRoy Arrascada's active case load. Further, Appellant's jury trial lasted for three
7 weeks and the record contains 15 volumes with approximately 3359 pages. Due to this
8 extreme and unforeseen circumstance of the passing of LeRoy Arrascada, along with the
9 fact that counsel only received the extremely voluminous record on appeal on December 1,
10 2009, Counsel asks this court to grant an additional 90 days from January 29, 2009 to file
11 Appellant's opening brief making Appellant's opening brief due on April 29, 2009. Clark
12 County Deputy District Attorney, Steven S. Owens, does not oppose this request.
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16 DATED: This 23 day of December, 2009.
17

18 ARRASCADA & ARRASCADA, LTD.

19
20 By: 

21 JOHN L. ARRASCADA, ESQ.
22 State Bar No. 4517
23 145 Ryland Street
24 Reno, NV 89501

25 Attorney for Appellant
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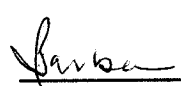
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2 CERTIFICATE OF SERVICE

3 The undersigned, an employee of Arrascada & Arrascada, hereby certifies that on the
4 23 day of December, 2009, served a copy of the Motion For Extension of Time
5
6 To File Opening Brief, by placing said copy in an envelope, postage fully prepaid, in the U.S.
7 Mail at Reno, Nevada, said envelope addressed to:

8 Steven S. Owens
9 Nevada Bar No. 4352
10 Clark County District Attorney
11 200 Lewis Ave.
12 Las Vegas, Nevada 89155
13 Facsimile No.: (702) 477-2957

14 Dominic Gentile, Esq.
15 Gordon Silver
16 3960 Howard Hughes Pkwy., 9th Floor
17 Las Vegas NV 89169

18 DATED this 23 day of December, 2009.

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Employee