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2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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4
5 Electronically Filed
Mar 07 2011 10:08 a.m.
Tracie K. Lindeman

6 LUIS A. HIDALGO, III.)

Case No. 54272

7 Appellant,)

8 v.)

9 THE STATE OF NEVADA,)

10 Respondent)

11 **MOTION FOR ENLARGEMENT OF TIME**
12 **(First Request)**

13 COMES NOW the State of Nevada, by DAVID ROGER, Clark County District
14 Attorney, through his deputy, NANCY A. BECKER, and moves this Court for an
15 enlargement of time of sixty (60) days from March 7, 2011, making said brief due May 6,
16 2011. This motion is based on the following memorandum and all papers and pleadings on
file herein.

17 Dated this 7th day of March 2011.

18 DAVID ROGER
19 Clark County District Attorney
Nevada Bar # 002781

20
21 BY /s/ Nancy A. Becker

22 NANCY A. BECKER
23 Deputy District Attorney
Nevada Bar #000145

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(702) 671-2750

1 **MEMORANDUM**

2 I, NANCY A. BECKER, am the supervising attorney in the above-captioned case.
3 The State is requesting a sixty (60) day extension of time in which to file its Answering
4 Brief. No previous extensions have been requested. Pursuant to Nevada Rules of Appellate
5 Procedure (NRAP) 26(b), this Court for good cause shown can enlarge the time prescribed
6 by the NRAP for doing any act, or may permit an act to be done after the expiration of such
7 time.

8 This is an appeal from final judgment in a multi-defendant Murder case. Appellant
9 filed a Notice of Appeal on August 3, 2009. Appellant's Opening Brief was initially due on
10 January 29, 2010. On December 24, 2009, Appellant filed his first Motion for Extension of
11 Time which sought an extension of ninety (90) days and was granted on December 29, 2009.
12 Appellant subsequently filed five (5) additional Motions for Extension of time, all of which
13 were granted. The Clark County District Attorney's Office received Appellant's Opening
14 Brief on February 4, 2011. The State's Answering Brief was due on or before March 7,
15 2011. The State has not yet requested an extension of time.

16 As good cause for the extension, the State cites the large size of the record, number of
17 pages in the Opening Brief, the number and complexity of issues raised, and the
18 contemporaneous pendency of Appellant's co-defendants' appellate proceedings. The
19 pleadings and appendices in this action are extensive. The fifty-one (51) page Opening Brief
20 raises five (5) issues of exceeding complexity requiring an extensive review of jurisprudence
21 from inside and outside Nevada. Because this is Appellant's direct appeal following his
22 conviction, a detailed review of the record is required. Appellant has submitted an eleven
23 (11) volume appendix consisting of approximately twenty-four hundred (2400) pages.
24 Additionally, this is a multi-defendant case in which Appellant's co-defendant has also filed
25 a fifty-nine (59) page Opening Brief and submitted a twenty-five (25) volume appendix
26 consisting of over four thousand (4000) pages. While some of the legal issues raised are
27 similar, Appellant's co-defendant raises legally and factually unrelated issues that are very
28 complex. Appellant's co-defendant's brief is nearly due at the same time, March 11, 2011.

1 Further, the State has also been in the process of answering another related defendant's
2 direct appeal of denial of a post-conviction habeas petition. That Fast Track Response was
3 due and filed on March 3, 2011.

4 The State respectfully moves for an enlargement of time of sixty (60) days, making its
5 brief due on May 6, 2011. This will give the State sufficient time to thoroughly review the
6 record so that it can properly respond to the material in Appellant's Opening Brief.

7 DATED this 7th day of March, 2011.

8 Respectfully submitted,

9 DAVID ROGER,
10 Clark County District Attorney

11
12 BY */s/ Nancy A. Becker*

13 NANCY A. BECKER
14 Deputy District Attorney
15 Nevada Bar #000145

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify and affirm that this document was filed electronically with the
3 Nevada Supreme Court on March 7, 2011. Electronic Service of the foregoing document
4 shall be made in accordance with the Master Service List as follows:

5
6 CATHERINE CORTEZ MASTO
Nevada Attorney General

7 JOHN L. ARRASCADA, ESQ.
8 CHRISTINE ARRASCADA ARAMINI, ESQ.
Counsels fro Appellant

9
10 NANCY A. BECKER
Deputy District Attorney

11
12 I further certify that I served a copy of this document by mailing a true and correct
13 copy thereof, postage pre-paid, addressed to:

14
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19
20 BY /s/ eileen davis
21 Employee, District Attorney's Office

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