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LUIS A. HIDALGO, III.  
Appellant,  
v.  
THE STATE OF NEVADA,  
Respondent

Case No. 54272

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Dated June 6, 2011.

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1 **MEMORANDUM**

2 I, NANCY A. BECKER, am the supervising attorney in the above-captioned case.  
3 The State is requesting a thirty (30) day extension of time in which to file its Answering  
4 Brief under Nevada Rules of Appellate Procedure (NRAP) 31(b)(3). Two previous  
5 extensions have been requested. Under NRAP 26(b), this Court for good cause shown can  
6 enlarge the time prescribed by the NRAP for doing any act, or may permit an act to be done  
7 after the expiration of such 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 requested an extension of sixty (60) days, which was granted. The State  
16 subsequently requested a second extension of thirty (30) days, which was granted.

17 As good cause for this third extension, the State cites the recent completion of its  
18 Answering Brief responding to the appeal of Appellant's co-defendant, Luis Hidalgo, Jr., the  
19 large size of the record, number of pages in the Opening Brief, the number and complexity  
20 of issues raised, and the contemporaneous pendency of Appellant's co-defendants' appellate  
21 proceedings. The pleadings and appendices in this action are extensive. The fifty-one (51)  
22 page Opening Brief raises five (5) issues of exceeding complexity requiring an extensive  
23 review of jurisprudence from inside and outside Nevada. Because this is Appellant's direct  
24 appeal following his conviction, a detailed review of the record is required. Appellant has  
25 submitted an eleven (11) volume appendix consisting of approximately twenty-four hundred  
26 (2400) pages. Additionally, this is a multi-defendant case in which Appellant's co-defendant  
27 has also filed a fifty-nine (59) page Opening Brief and submitted a twenty-five (25) volume  
28 appendix consisting of over four thousand (4000) pages. As noted, the State has recently

1 completed its drafting of the Answering Brief for the co-defendant, and will timely file that  
2 brief without further extensions. While some of the legal issues raised are similar,  
3 Appellant's co-defendant raised legally and factually unrelated issues that were very  
4 complex. Appellant's co-defendant's brief is nearly due at the same time, June 9, 2011.

5 The State respectfully moves for an enlargement of time of thirty (30) days, making  
6 its brief due on July 6, 2011. This will give the State sufficient time to thoroughly review the  
7 record so that it can properly respond to the material in Appellant's Opening Brief.

8 DATED this 6th day of June, 2011.

9 Respectfully submitted,

10 DAVID ROGER,  
11 Clark County District Attorney

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

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14 NANCY A. BECKER  
15 Deputy District Attorney  
16 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 June 6, 2011. Electronic Service of the foregoing document shall  
4 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 for 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  
15 CHRISTOPHER W. ADAMS, ESQ.  
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19  
20 BY /s/ eileen davis  
21 Employee, District Attorney's Office

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27 NAB/Patrick Burns/ed  
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