IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS A, HIDALGO, JR.

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

CASE NO. 54272

LUIS A. HIDALGO, III'S MOTION FOR PERMISSION TO FILE A REPLY BRIEF IN EXCESS OF 15 PAGES

COMES NOW Luis Hidalgo, III, (hereinafter "Hidalgo III,") by and through his counsel, John L. Arrascada, Esq., of law firm of Arrascada & Arrascada Ltd., and files this Motion to file an opening brief in excess of fifteen pages pursuant to NRAP 32(a)(7)(A) and (C).

NRAP 32(a)(7)(A) provides that an opening brief shall not exceed 15 pages. NRAP 32(7)(C) requires permission of this Court to exceed the thirty page limit. When determining whether to grant permission to exceed the thirty page limit this Court requires a showing of diligence and good cause and a declaration stating in detail the reason for the motion and the number of additional pages requested. NRAP 32(7)(C).

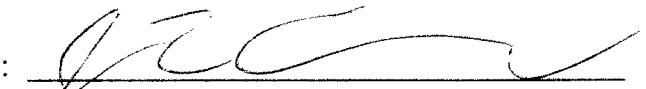
Regarding diligence, counsel for appellant has worked diligently in preparing this reply brief. The Respondent and both Appellants have represented that several of the issues are issues of first impression for this court and required fact intensive analysis. Counsel has diligently drafted and re-drafted this reply brief to bring it as close to the 15 page limit without losing the legal and factual impact of the arguments. Further, as this court has been previously apprised in motions for enlargement of time there are three

mutual issues between appellant and his co-appellant, Luis Hidalgo Jr. The legal analysis in the mutual issues is the same but, two of the issues required appellant specific analysis to the law. The common issues had to be incorporated into this brief precisely to maintain the integrity and commonality of the argument. The complex legal and factual issues have led to a reply brief in excess of fifteen pages. Counsel for Appellant are experienced appellate lawyers and have made every diligent effort to bring the length of the brief to 15 pages. Due to counsels' ethical obligations to Appellant and their obligation to present to this court a comprehensive and well thought out brief permission for a reply brief in excess of fifteen pages is warranted.

Regarding good cause, several of the issues presented are issues of first impression or call for a modification of existing Nevada law. Counsel has had to rely upon and explain, in the brief, opinions from other jurisdictions. This led to lengthy arguments that could not be synthesized further without jeopardizing Appellants rights to a competent brief. The court should also note that until the eve of trial this case was noticed as a death penalty case. Finally, the incorporation of the mutual issues with the co-appellant added to the length of the brief. These factors warrant a finding of good cause. Counsel respectfully requests that this court grant permission to Appellant to file a reply brief in excess of 15 pages and would ask this court to permit an additional 18 pages. This motion is supported by the attached declaration of John L. Arrascada.

DATED This 10th day of October, 2011

ARRASCADA & ARRASCADA, LTD.

BY: 

John L. Arrascada, Esq.
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Attorney for Appellant
Luis A. Hidalgo, III

CERTIFICATE OF SERVICE

The undersigned, an employee of Arrascada & Arrascada Ltd, hereby certifies that on the 10th day of October, 2011, she served a copy of the LUIS A. HIDALGO, III'S MOTION FOR PERMISSION TO FILE AN OPENING BRIEF IN EXCESS OF THIRTY (30) PAGES, by facsimile, and by placing said copy in an envelope, postage fully prepaid, in the U.S. Mail at Reno, Nevada, said envelope addressed to:

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

BARBARA J. GREEN, an employee of
ARRASCADA & ARRASCADA LTD.

AFFIDAVIT OF JOHN L. ARRASCADA

STAT E OF NEVADA)
ss
COUNTY OF WASHOE)

I, John L. Arrascada, having first been duly sworn, deposes and states that:

1. I am an attorney duly licensed to practice before all Courts of the State of Nevada
2. I am the attorney of record for the Defendant/Appellant, Luis A. Hidalgo, III., in the instant matter.
3. There are five issues presented to the Court. Issues I. and II., required extensive analysis of case law from other jurisdictions and were factually intensive.
4. Issue I. is structural error and needs no prejudice analysis if the Court so agrees. However, the Court may opt for such an alternative analysis, which required a complete review of the evidence of the case.
5. Issues I, IV. And V. are mutual issues of co-defendant/appellant Luis A. Hidalgo Jr., these issues required incorporating the exact legal analysis. But, issues I, and IV, required a lengthy fact specific analysis of the evidence presented against Appellant Luis A. Hidalgo III.
6. The final draft including the statement of the facts and the legal arguments indicate that the issues involved cannot be adequately presented to the Court within the limitations of NRAP 32(a)(7)(A).
7. It is respectfully requested that this court permit an additional 18 pages in order for this brief to present a comprehensive legal and factual analysis for the Court.

Dated: October 10, 2011

John L. Arrascada, Esq.
State Bar No. 4517
Attorney for Appellant

Signed and sworn to before me the undersigned, a Notary Public, this 10TH day of October, 2011

BARBARA J. GREEN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 01-72006-2 - Expires October 24, 2013