

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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3  
4 LUIS A, HIDALGO, JR.

5 Appellant,

6 vs.

7 THE STATE OF NEVADA

8 Respondent.  
9

Electronically Filed  
Aug 13 2012 09:00 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court  
CASE NO. 54272

10  
11 **LUIS A. HIDALGO, JR.'S MOTION FOR PERMISSION TO FILE A**  
12 **PETITION FOR EN BANC RECONSIDERATION IN EXCESS OF 10**  
13 **PAGES**

14 COMES NOW Luis Hidalgo, III., (hereinafter "Hidalgo III,") by and  
15 through his counsel, John L. Arrascada, Esq., of law firm of Arrascada & Aramini  
16 Ltd., and files this Motion to file a Petition for En Banc Reconsideration brief in  
17 excess of ten (10) pages pursuant to NRAP 40A(d).

18 NRAP 40A(d) provides that a Petition for En Banc Review shall not exceed  
19 10 pages. NRAP 40A(d) requires permission of this Court to exceed the ten page  
20 limit. When determining whether to grant permission to exceed the ten page limit  
21 this Court requires a showing of diligence and good cause and a declaration stating  
22 in detail the reason for the motion and the number of additional pages requested.  
23 NRAP 32(7)(C).

24 Diligence and good cause are as follows:

25 Counsel for the Appellant has worked diligently in preparing this Petition.  
26 As this Court is aware there is a mutual issue regarding jury instruction 40. Co-  
27 counsel has worked diligently on the jury instruction issue. However, Hidalgo Jr.'s  
28 brief is longer than ten pages because of the mutual issue and the issues solely

1 related to Hidalgo III that is being submitted to this Court for En Banc  
2 Reconsideration.

3 The mutual and independent issues make it impossible with use of all  
4 diligence, ethics and in order to be complete for Hidalgo III's brief to be within the  
5 ten page limit required by NRAP 40A. Hidalgo III's brief is thirteen (13) pages.  
6 Due to counsel's ethical obligations to his client and his obligation to present to  
7 this court a comprehensive and well thought out Petition, permission for a brief in  
8 excess of ten pages is warranted.

9 Dated this 10 of August, 2012.

10 August

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**CERTIFICATE OF SERVICE**

The undersigned, an employee of Arrascada & Arrascada Ltd, hereby certifies that on this 15<sup>th</sup> day of August, 2012, he/she served a copy of the LUIS A. HIDALGO, III'S MOTION FOR PERMISSION TO FILE A PETITION FOR EN BANC RECONSIDERATION IN EXCESS OF TEN (10) PAGES, by electronic service in accordance with the Master Service List as follows:

Nancy A. Becker  
Chief Deputy District Attorney  
Regional Justice Center  
200 Lewis Avenue  
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