IN THE SUPREME COURT OF THE STATE OF NEVADA

EVARISTO GARCIA)	
Appellant, vs.)	Case No. 64221 Electronically Filed Mar 17 2014 11:00 a.m.
STATE OF NEVADA)	Tracie K. Lindeman Clerk of Supreme Court
Respondent.)	
)	

MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF AND APPENDIX (FIRST REQUEST)

COMES NOW Appellant, EVARISTO GARCIA, by and through his attorney, ROSS GOODMAN, ESQ., and moves this Honorable Court for an extension of time of approximately sixty (60) days March 14, 2014 up to and including May 14, 2014, in which to file the Opening Brief and Appendix. Counsel for the Appellant needs additional time to continue reviewing the record involving this case and the complex issues arising from the unique issues in this case including the dismissal of part of the State's case in the midst of trial by the trial court based on want of proof issues, as well as a jury verdict inconsistent with the theory of prosecution. This motion is based on NRCP 26(b), declaration of counsel, and all papers and pleadings on file herein. Further, this Motion is made in good faith and not for purpose of delay.

DATED this 14th day of March 2014.

Respectfully submitted,

By /s/ Ross C. Goodman, Esq.
ROSS C. GOODMAN, ESQ.
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(702) 383-5088
Attorneys for Appellant

DECLARATION OF COUNSEL

ROSS C. GOODMAN, ESQ.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

ROSS C. GOODMAN, ESQ., upon information and belief, declares and says:

- 1. That Declarant is an attorney duly licensed to practice law in the State of Nevada and was trial counsel and is NRAP 3C(b)(2) appointed appellate counsel for EVARISTO GARCIA in the present case. Declarant was trial counsel in a protracted trial that involved numerous complex issues and rulings mid-trial that impact the outcome as well as matters heard prior to the dispositive ruling which in essence struck portions of the State's case..
- 2. Declarant previously had stipulated with the Respondent to an extension of time request which was granted extending the time to file the instant Opening Brief to March 14, 2014.
- 3. That the matter is obviously complicated meriting full briefing and that the time requested in this request is to make sure the appeal is perfected and that issued are presented in an appropriate matter for just adjudication. That absent unforeseeable or unexpected circumstances, Declarant will comply with the request to extend the Opening Brief, sixty (60) days to and including May 14, 2014, and not request additional time. The somewhat lengthy Appendix is also being assembled necessitating this request.
- 4. This specific request for extension of time is therefore sought out of necessity only and not made for purposes of delay.

FURTHER YOUR DECLARANT SAYETH NAUGHT.

/s/ Ross C. Goodman, Esq. ROSS C. GOODMAN, ESQ.

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 14th day of March, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven Wolfson Steven Owens Clark County District Attorney

Catherine Cortez Masto Nevada Attorney General

/s/ Ross C. Goodman, Esq.