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

3 EVARISTO JONATHAN GARCIA,

4 Appellant,

5 vs.

6 THE STATE OF NEVADA,

7 Respondent.

Electronically Filed
May 15 2014 08:23 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

8 **MOTION FOR EXTENSION OF**
9 **TIME TO FILE OPENING BRIEF**
10 **AND APPENDIX**

11 **(Second Request)**

12 COMES NOW Appellant, EVARISTO GARCIA, by and through his attorney,
13 ROSS GOODMAN, ESQ., and moves this Honorable Court for an extension of time of
14 approximately two (2) weeks from May 14, 2014, up to and including May 28, 2014, in
15 which to file the Opening Brief and Appendix. Counsel for the Appellant needs
16 additional time to continue reviewing the record involving this case and the complex
17 issues arising from the unique issues in this case including the dismissal of part of the
18 State's case in the midst of trial by the trial court based on want of proof issues, as well as
19 a jury verdict inconsistent with the theory of prosecution. This motion is based on
20 NRCP 26(b), declaration of counsel, and all papers and pleadings on file herein. Further,
21 this Motion is made in good faith and not for purpose of delay.

22 DATED this 14th day of May, 2014.

23 Respectfully submitted,

24 By /s/ Ross C. Goodman, Esq.
25 ROSS C. GOODMAN, ESQ.
26 Nevada Bar No. 7722
27 520 S. 4th Street, Second Floor
28 Las Vegas, Nevada 89101
(702) 383-5088
Attorneys for Appellant

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STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

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.

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1 – Appellate Division, and there is no objection to this two week extension.

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3 6. This specific request for extension of time is therefore sought out of
4 necessity only and not made for purposes of delay.

5 **FURTHER YOUR DECLARANT SAYETH NAUGHT.**

6 /s/ Ross C. Goodman, Esq.
7 ROSS C. GOODMAN, ESQ.
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CERTIFICATE OF SERVICE

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

Steven Wolfson
Steven Owens
Jonathan E. VanBoskerck
Clark County District Attorney

Catherine Cortez Masto
Nevada Attorney General

/s/ Ross C. Goodman, Esq.