1			
1 2	IN THE SUPREME COURT OF THE STATE OF NEVADA		
2	EVARISTO JONATHAN GARCIA,		
4	Appellant,	Electronically Filed	
5	vs.	May 15 2014 08:23 a.m. Supreme Court Case Tracte X ¹ Lindeman	
6	THE STATE OF NEVADA,	Clerk of Supreme Court MOTION FOR EXTENSION OF	
7	Respondent.	TIME TO FILE OPENING BRIEF AND APPENDIX	
8		(Second Request)	
9			
10	COMES NOW Appellant, EVARISTO GARCIA, by and through his attorney,		
11	ROSS GOODMAN, ESQ., and moves this Honorable Court for an extension of time of		
12 13	approximately two (2) weeks from May 14, 2014, up to and including May 28, 2014, in		
13 14	which to file the Opening Brief and Appendix. Counsel for the Appellant needs		
15	additional time to continue reviewing the record involving this case and the complex		
16	issues arising from the unique issues in this case including the dismissal of part of the		
17	State's case in the midst of trial by the trial court based on want of proof issues, as well as		
18	a jury verdict inconsistent with the theory of prosecution. This motion is based on		
19	NRCP 26(b), declaration of counsel, and all papers and pleadings on file herein. Further,		
20	this Motion is made in good faith and not for purpose of delay.		
21 22	DATED this 14 th day of May, 2014.		
22		Respectfully submitted,	
24		By/s/_Ross C. Goodman, Esq.	
25		ROSS C. GOODMAN, ESQ. Nevada Bar No. 7722	
26		520 S. 4 th Street, Second Floor Las Vegas, Nevada 89101	
27		(702) 383-5088	
28		Attorneys for Appellant	
OUP ation Fl.	1		
F1. 101		Docket 64221 Document 2014-15798	

1		
2	DECLARATION OF COUNSEL	
3	<u>ROSS C. GOODMAN , ESQ.</u>	
4	STATE OF NEVADA)	
5) ss. COUNTY OF CLARK)	
6	ROSS C. GOODMAN, ESQ., upon information and belief, declares and says:	
7	1. That Declarant is an attorney duly licensed to practice law in the State of	
8 9	Nevada and was trial counsel and is NRAP 3C(b)(2) appointed appellate counsel for	
9 10	EVARISTO GARCIA in the present case. Declarant was trial counsel in a protracted	
11	trial that involved numerous complex issues and rulings mid-trial that impact the outcome	
12	as well as matters heard prior to the dispositive ruling which in essence struck portions of	
13	the State's case.	
14	2. Declarant previously had stipulated with the Respondent to an extension	
15	of time request which was granted extending the time to file the instant Opening Brief to	
16	March 14, 2014.	
17	3. Further, Declarant previously filed a Motion for Extension of Time to file	
18 10	Opening Brief and Appendix which was granted extending the time to May 14, 2014.	
19 20	4. Due to counsel's schedule and an unforeseen illness, additional time is	
20 21		
22	necessary.	
23	5. Although this is Appellant's second request for an extension of time,	
24	Declarant has contacted Jonathan E. VanBoskerck, Esq., Chief Deputy District Attorney	
25	– Appellate Division, and there is no objection to this two week extension.	
26	5. Although this is Appellant's second request for an extension of time,	
27	Declarant has contacted Jonathan E. VanBoskerck, Esq., Chief Deputy District Attorney	
28		

1	
2	– Appellate Division, and there is no objection to this two week extension.
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	<u>/s/ Ross C. Goodman, Esq.</u>
7	ROSS C. GOODMAN, ESQ.
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
GOODMAN LAW GROUP A Professional Corporation 520 S. Fourth St., 2 nd Fl. Las Vegas, Nevada 89101 (702) 383-5088	3

1	CEDTIFICATE OF SEDVICE
2	CERTIFICATE OF SERVICE
3	I hereby certify and affirm that this document was filed electronically with the
4	Nevada Supreme Court on the 14 th day of May, 2014. Electronic Service of the
5	foregoing document shall be made in accordance with the Master Service List as follows:
6	Steven Wolfson
7	Steven Owens Jonathan E. VanBoskerck
8	
9	Catherine Cortez Masto
10	Nevada Attorney General
11	<u>/s/ Ross C. Goodman, Esq.</u>
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
GROUP poration 2 nd Fl. a 89101 88	4

GOODMAN LAW GROUP A Professional Corporation 520 S. Fourth St., 2nd Fl. Las Vegas, Nevada 89101 (702) 383-5088