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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 29 2014 10:17 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

11 **(Final 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 five (5) days from May 28, 2014, up to and including June 2, 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 28th 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 Declarant believes the brief and appendix can be fully submitted within the minimal days
2 request for an extension.
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4 5. This specific request for extension of time is therefore sought out of
5 necessity only and not made for purposes of delay.

6 **FURTHER YOUR DECLARANT SAYETH NAUGHT.**

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

9 **CERTIFICATE OF SERVICE**

10 I hereby certify and affirm that this document was filed electronically with the
11 Nevada Supreme Court on the 28th day of May, 2014. Electronic Service of the
12 foregoing document shall be made in accordance with the Master Service List as follows:
13

14 Steven Wolfson
15 Steven Owens
Clark County District Attorney

16 Catherine Cortez Masto
17 Nevada Attorney General

18 /s/ Ross C. Goodman, Esq.
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