

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

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EVARISTO JONATHAN GARCIA,  
Appellant,

v.

THE STATE OF NEVADA,  
Respondent.

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Electronically Filed  
Jul 25 2014 10:07 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

CASE NO: 64221

**MOTION FOR ENLARGEMENT OF TIME**

**First Request**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, JONATHAN E. VANBOSKERCK, and moves this Court for an enlargement of time of sixty (60) days from July 25, 2014, making said brief due September 23, 2014. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 25<sup>th</sup> day of July, 2014.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY /s/ Jonathan E. VanBoskerck  
JONATHAN E. VANBOSKERCK  
Chief Deputy District Attorney  
Nevada Bar #006528  
Office of the Clark County District Attorney

## **MEMORANDUM**

I, JONATHAN E. VANBOSKERCK, am the supervising attorney in the above-captioned case. The State is requesting a sixty (60) day extension of time in which to file its Answering Brief under NRAP 31(b)(3).

This is an appeal from a Judgment of Conviction following a jury verdict of guilty for Second Degree Murder with Use of a Deadly Weapon. Appellant filed his Notice of Appeal on October 11, 2013, and filed his Opening Brief on June 25, 2014.

On February 11, 2014, Appellant filed a Stipulation and Order in which both parties stipulated that the Appellant would have until March 14, 2014, to file his Opening Brief. On March 17, 2014, Appellant filed a Motion for Extension of Time to File Opening Brief and Appendix requesting an additional sixty (60) days to file the Opening Brief, making it due on May 14, 2014. On March 28, 2014, this Court granted that Motion.

On May 15, 2014, Appellant filed a second Motion for Extension of Time to File Opening Brief and Appendix requesting a two-week extension, making the brief due on May 28, 2014. On May 23, 2014, this Court granted the Motion.

On May 29, 2014, Appellant filed a third Motion for Extension of Time requesting five additional days to file the Opening Brief, making it due on June 2, 2014. On June 6, 2014, this Court noted that it was past the requested due date

and Appellant still had not filed the brief and appendix. However, this Court granted the Motion and gave Appellant until June 13, 2014, to file the brief. On June 19, 2014, Defendant filed a Motion for Leave to File Opening Brief beyond the deadline after stating that the Opening Brief had been inadvertently left out and accidentally deleted. On June 25, 2014, this Court granted the Motion and the Opening Brief was filed.

No Motions for Extension of Time have been requested or granted to the State. The Answering Brief is currently due on July 25, 2014.

After a seven-day jury trial, Appellant was found guilty of Second Degree Murder with Use of a Deadly Weapon. Appellant's Opening Brief consists of complex issues that require fact-intensive investigation. Additionally, the law clerk who has worked on this matter is separating from the Clark County District Attorney's Office and as such a new law clerk, who has yet to be hired, will need time to work on this matter. The State respectfully moves for an enlargement of time of sixty (60) days, making said Answering Brief due on Tuesday, September 23, 2014. This will give the State sufficient time to thoroughly review and respond fully to the material in Appellant's Opening Brief. This motion is made in good faith and not for purposes of undue delay.

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Dated this 25<sup>th</sup> day of July, 2014.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY */s/ Jonathan E. VanBoskerck*

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 25<sup>th</sup> day of July, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO  
Nevada Attorney General

ROSS C. GOODMAN, ESQ.  
Counsel for Appellant

JONATHAN E. VANBOSKERCK  
Chief Deputy District Attorney

BY /s/j. garcia  
Employee,  
Clark County District Attorney's Office

JEV/Matthew Whittaker/jg