

IN THE SUPREME COURT OF THE STATE OF NEVADA

EVARISTO JONATHAN GARCIA,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Sep 23 2014 09:16 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

CASE NO: 64221

MOTION FOR ENLARGEMENT OF TIME

Second 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 thirty (30) days from September 23, 2014, making said brief due October 23, 2014. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 23rd day of September, 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 thirty (30) 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 of Second Degree Murder with Use of a Deadly Weapon. Appellant filed his Notice of Appeal on October 11, 2013.

On February 11, 2014, Appellant filed a Stipulation and Order in which both parties agreed that 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 (5) 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, Appellant filed a Motion for Leave to File Opening Brief beyond the deadline because the Opening Brief had been inadvertently not been filed and accidentally deleted. On June 25, 2014, this Court granted the Motion and the Opening Brief was filed.

Respondent's Answering Brief was initially due on July 25, 2014. On that date the State requested an extension of sixty (60) days, which this Court generously granted on August 1, 2014. The Answering Brief is currently due on September 23, 2014. The previous request for an extension was due to the separation of the law clerk assigned to this case from the Office of the District Attorney. Unfortunately, the hiring process took longer than expected and the Appellate Division still only has the benefit of half the law clerks it typically employs. Additionally, one of the four deputy district attorneys assigned to the Appellate Division suffered a serious injury and is currently out of the office for an extended period of time on medical leave. However, several drafts of the Answering Brief have gone through the internal review process and undersigned counsel is hopeful that a draft suitable for publication to this Court will eventually be produced.

This motion is made in good faith and not for purposes of undue delay.

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Dated this 23rd day of September, 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
Regional Justice Center
200 Lewis Avenue
P.O. Box 552212
Las Vegas, NV 552212
(702) 671-2500

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 23rd day of September, 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/Genevieve Craggs /jg