#### IN THE SUPREME COURT OF THE STATE OF NEVADA

EVARISTO JONATHAN GARCIA,

Appellant,

VS.

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THE STATE OF NEVADA,

Respondent.

Supreme Court Case Tracie K. Lindeman

Clerk of Supreme Court

MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

(First Request)

COMES NOW Appellant, EVARISTO GARCIA, by and through his attorney, ROSS GOODMAN, ESQ., and moves this Honorable Court for an extension of time of approximately thirty (30) days from November 6, 2014, up to and including December 6, 2014, in which to file the Reply. Counsel for the Appellant needs additional time to respond to the complex analysis arising from the unique issues in this case including the dismissal of part of the State's case in the midst of trial by the trial court based on want of proof issues, as well as a jury verdict inconsistent with the theory of prosecution. This motion is based on NRCP 26(b), declaration of counsel, and all papers and pleadings on file herein. Further, this Motion is made in good faith and not for purpose of delay.

DATED this 6<sup>h</sup> day of November, 2014.

Respectfully submitted,

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

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### **DECLARATION OF COUNSEL**

#### ROSS C. GOODMAN, ESQ.

STATE OF NEVADA	)
	) ss.
COUNTY OF CLARK	)

ROSS C. GOODMAN, ESQ., upon information and belief, declares and says:

- 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.
- 2. The Declarant filed a brief containing what is believed to be unique issues and the State responded with a dense Answering Brief wherein there were granted two continuances in which to fully develop their issues and response.
- 3. Declarant has annotated and analyzed the cases advanced in response to the extra time the Respondent received and in research these cases and formulating an appropriate Reply has determined that an enlargement of time is necessary to respond.
- 4. This specific request for extension of time is therefore sought out of necessity only and not made for purposes of delay.

#### FURTHER YOUR DECLARANT SAYETH NAUGHT.

/s/ Ross C. Goodman, Esq. 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  $6^{th}$  day of November, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven Wolfson Steven Owens Clark County District Attorney

Catherine Cortez Masto Nevada Attorney General

/s/ Ross C. Goodman, Esq.