

Electronically Filed
Jun 03 2014 02:54 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

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ERNESTO MANUEL GONZALEZ

Case No. 64249

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

_____ /

MOTION FOR EXTENSION OF TIME

COMES NOW, Ernesto Gonzalez, Appellant, by and through the undersigned counsel of record, Richard F. Cornell, Esq. and the Law Offices of Richard F. Cornell, and hereby moves this Honorable Court for an extension of time of 120 days, or until Tuesday, September 30, 2014, within which to file the Appellant's Brief and Appellant's Appendix.

This Motion is brought in good faith and not for purposes of delay.

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The within Motion is brought pursuant to NRAP 26(b) and 27(a), and is based upon the accompanying Declaration of Counsel.

DATED this ____ day of June, 2014.

Respectfully submitted,

LAW OFFICES OF RICHARD F. CORNELL
150 Ridge Street, Second Floor

Reno, NV 89501

By: _____
Richard F. Cornell

DECLARATION OF COUNSEL

RICHARD F. CORNELL, under penalty of perjury, swears and declares as follows:

1. Your Declarant is an attorney, admitted to practice in the State of Nevada in 1979. Your Declarant regularly practices appellate law before this Court as well as the United States Court of Appeals for the Ninth Circuit.
2. Your Declarant makes this Declaration in support of his Motion for Extension of Time to file the Appellant's Opening Brief and Appendix.
3. Your Declarant received the retainer to represent Mr. Gonzalez on or about May 21, 2014. Your Declarant promptly prepared the Substitution of

Counsel and sent it to Mr. Gonzalez at the Ely State Prison. He signed it on May 28, 2014 and mailed it back to me. Our Office received it May 30, 2014. Mr. Petty, Chief Appellate Deputy of the Washoe County Public Defender's Office, and former counsel of record, received it and signed it. The Substitution of Counsel has been filed under separate file.

4. On June 2, 2014 your Declarant picked up the partial file from Mr. Petty. Included thereon was a disk of 2,947 pages of transcripts from pre-trial hearings alone and the sentencing hearing. Additionally, your Declarant received the following transcripts which Mr. Petty indicates are not on the disk:

No.	Description	Date	Pages
1	Transcript of Proceedings in Chambers Conference	July 15, 2013	53
2	Transcript of Proceedings, Evidentiary Hearing	July 18, 2013	118
3	Transcript of Proceedings, Pre-trial Motion	July 19, 2013	74
4	Transcript of Proceedings, Jury Trial (Day One)	July 22, 2013	83
5	Transcript of Proceedings, Jury Trial (Day Two)	July 23, 2013	204

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6	Transcript of Proceedings, Jury Trial, Morning Session (Day Three)	July 24, 2013	134
7	Transcript of Proceedings Afternoon Session (Day Three)	July 24, 2013	92
8	Transcript of Proceedings, Morning Session (Day Four)	July 25, 2013	186
9	Transcript Proceedings, Jury Trial, Afternoon Session (Day Four)	July 25, 2013	95
10	Transcript of Proceedings, Jury Trial, Morning Session (Day Five)	July 29, 2013	162
11	Transcript of Proceedings, Afternoon Session (Day Five)	July 29, 2013	105
12	Transcript of Proceedings, Morning Session (Day Six)	July 30, 2013	178
13	Transcript of Proceedings, Jury Trial, Afternoon Session (Day Six)	July 30, 2013	69
14	Partial Transcript of Proceedings, Jury Trial, Afternoon Session, Examination of Donald Sandy	July 30, 2013	70
15	Transcript of Proceedings, Morning Session (Day Seven)	July 31, 2013	159

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16	Transcript of Proceedings, Testimony of Gary Rudnick, Afternoon Session (Day Seven)	July 31, 2013 176
17	Transcript of Proceedings, Jury Trial, Morning Session (Day Eight)	August 1, 2013 182
18	Transcript of Proceedings, Afternoon Session, (Day Eight)	August 1, 2013 94
19	Transcript of Proceedings, 150 Trial, Morning Session, (Day Nine)	August 2, 2013
20	Transcript of Proceedings, Afternoon Session (Day Nine)	August 2, 2013 146
21	Transcript of Proceedings, Jury Trial (Day Ten)	August 5, 2013 141
22	Transcript of Proceedings, Afternoon Session (Day Ten)	August 5, 2013 27
23	Transcript of Proceedings, 54 Jury Trial (Day Eleven)	August 6, 2013
24	Transcript of Proceedings, Jury Trial (Day Twelve)	August 7, 2013 145
25	Transcript of Proceedings, 13 Jury Trial (Day Thirteen)	August 8, 2013

The total of number of pages above is 2,910. Added to that the above -

referenced figure of 2,947, that makes 5,857 number of pages right there for appellate counsel to review. That does not include written motions to review. The Second Judicial docket report is 142 pages long.

Additionally, the undersigned is informed and believes that a very important issue this case was raised in a Motion for New Trial, which was denied at the time of sentencing.

5. Mr. Gonzalez was convicted by jury verdict of first degree murder, and sentenced on or about October 3, 2013 to life imprisonment with a possibility of parole after service of 20 years, plus 8 years to 20 years pursuant to NRS 193.165 for the deadly weapon enhancement, to run consecutively to the life sentence.

6. Thus, Mr. Gonzalez is not prejudiced by the delay in this case. Additionally, the undersigned explained to Mr. Gonzalez that he could not and would not take this appeal unless he (Mr. Gonzalez) assented to the bringing of this motion. He does so.

7. On June 3, 2014, the undersigned spoke with Mr. McCarthy, possible counsel for the State and one with authority to speak for the State. The State does not object to the grant of this particular motion.

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8. Your Declarant swears and declares under penalty of perjury that the foregoing assertions of fact are true and correct.

DATED this 3 day of June, 2014 in Reno, Washoe County, Nevada.

A handwritten signature in dark ink, appearing to read "Richard F. Cornell", is written over a horizontal line.

Richard F. Cornell

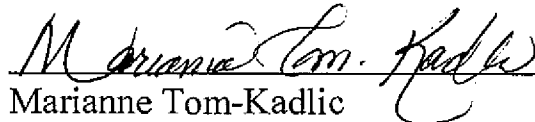
CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of LAW
OFFICES OF RICHARD F. CORNELL, and that on this date I caused a true and
correct copy of the foregoing document to be delivered by Reno Carson

Messenger Service, addressed to:

Washoe County District Attorney's Office
Appellate Division
One S. Sierra St., 7th Floor
Reno, NV 89501

DATED this 31 day of June, 2014.


Marianne Tom-Kadlic
Legal Assistant