

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

★ ★ ★ ★ ★

ERNESTO MANUEL GONZALEZ

Case No. 64249

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

\_\_\_\_\_ /

**MOTION FOR ORDER PERMITTING FILING  
OF OVERSIZED BRIEF**

COMES NOW, Appellant, Ernesto Manuel Gonzalez, and moves this Honorable Court for an Order approving the filing of the tendered opening brief, even though it is oversized at 15,789 words.

The undersigned is very well aware of NRAP 32(a)(7)(A)(ii) and that an opening brief must contain no more than 14,000 words. The undersigned is also very well aware of NRAP 32(a)(D)(i), that this Court looks with disfavor on motions to exceed the applicable page limit, such motions are not routinely granted, and that the undersigned must show diligence and good cause for the granting of this motion.

The “diligence and good cause” in this case is based upon the following:

1. The undersigned has revised and edited numerous drafts on this case, and has knocked out several thousand words in the process. Additionally, the undersigned has had a number of conversations with Mr. Gonzales, and has decided not to raise at least three issues that otherwise were under serious consideration.

2. As it is, the brief tendered is a seven issue brief. At this point, if this motion were denied and the undersigned were ordered to file a brief of no more than 14,000 words per NRAP 32(a)(7)(A)(ii), the undersigned would have no choice but to eliminate at least one of the seven issues. The undersigned simply cannot see how he could edit this brief one more time and eliminate 1,789 more words while keeping this as a seven issue brief. If that were to happen, and if this Court were ultimately to enter an order of affirmance, the undersigned could about guarantee that Mr. Gonzales would file a Chapter 34 petition and would claim that the undersigned was prejudicially ineffective for “eliminating the wrong issue.”

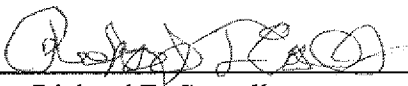
3. As stated in previous motions, the record in this case as maintained by the Clerk’s office of the Second Judicial District is more than 15,000 pages long. The Appendix filed with the petition is 5,580 pages long, contained in 23 volumes. This was a 12 day jury trial with 37 witnesses testifying. Needless to

say, this case was very thoroughly litigated. Consequently, the undersigned has not raised any plain error issues, although the undersigned has seen one fairly profound plain error issue which, under other circumstances, the undersigned would raise. The seven issues presented are issues that are fully preserved and, in the undersigned's opinion, are fully supported by the record and a good faith presentation of existing law or a good faith argument for extension of existing law.

DATED this 12 day of November, 2014.

Respectfully submitted,

LAW OFFICES OF RICHARD F. CORNELL  
150 Ridge Street, Second Floor  
Reno, NV 89501

By:   
Richard F. Cornell

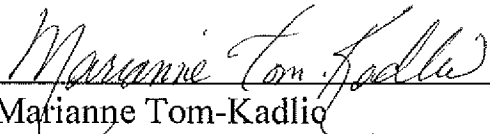
**CERTIFICATE OF SERVICE**

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., 7<sup>th</sup> Floor  
Reno, NV 89501

**DATED** this 8 day of November, 2014.

  
\_\_\_\_\_  
Marianne Tom-Kadlio  
Legal Assistant