

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERNESTO MANUEL GONZALEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 64249

FILED

APR 24 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

*ORDER DENYING MOTION*

Appellant's counsel has filed a motion for leave to file a reply brief in excess of the type-volume limitation. See NRAP 32(a)(7)(D). Counsel states that the submitted brief contains 9,459 words, more than 2,000 words over the type-volume limitation of NRAP 32(a)(7)(A)(ii). Counsel asserts that additional type-volume is necessary to address four issues of first impression, support an argument for a change in law, and clarify an issue in the opening brief. Counsel also notes that this is a high-profile case. A reply brief serves a very limited purpose: "answering any new matter set forth in the opposing brief." NRAP 28(c). For this reason, the applicable type-volume limit is half that allowed for the answering brief. See NRAP 32(a)(7)(A)(ii). But appellant's proposed reply brief exceeds the length of the answering brief filed in this case. "The court looks with disfavor on motions to exceed the applicable page limit or type-volume limitation, and therefore, permission to exceed the page limit or type-volume limitation will not be routinely granted." NRAP 32(a)(7)(D)(i). Based on our review of the submitted brief, we are not convinced that appellant has shown "diligence and good cause" to warrant a 9,459-word reply brief, *id.*; or that such a lengthy reply brief is necessary to respond to any new matter set forth in the answering brief.

Accordingly, the motion is denied. The clerk of this court shall reject the reply brief received via E-Flex on April 21, 2015. Appellant shall have 15 days from the date of this order to file a reply brief that complies with either the standard page limitation (not more than 15 pages) or type-volume limitation (not more than 7,000 words). NRAP 32(a)(7)(A)(i)-(ii). Failure to file a timely reply brief may be treated as a waiver of the right to file a reply brief. NRAP 28(c).

It is so ORDERED.

1. Sanderth, C.J.

cc: Richard F. Cornell  
Attorney General/Carson City  
Washoe County District Attorney