

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

LUIS HIDALGO, III,  
Appellant,

v.

THE STATE OF NEVADA,  
Respondent.

Case No. 67640

Electronically Filed  
Jul 23 2015 03:59 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**MOTION FOR LEAVE TO FILE RESPONDENT'S ANSWERING BRIEF  
IN EXCESS OF TYPE-VOLUME LIMITATIONS**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, Jonathan VanBoskerck, pursuant to NRAP 28(g) and the attached Declaration of Counsel, respectfully moves for leave to file a Respondent's Answering Brief in Excess of Type-Volume Limitations pursuant to NRAP 32(a)(7)(D).

Dated this 23<sup>rd</sup> day of July, 2015.

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  
Attorney for Respondent

**DECLARATION**  
(NRS 53.045)

I, JONATHAN VANBOSKERCK, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

Except by Court Order, an Answering Brief shall not exceed 30 pages in length or shall contain no more than 14,000 words or 1,300 lines of text. NRAP 32(a)(7)(A)(i)-(ii); NRAP 32(a)(7)(D).

On June 3, 2015, this Court granted Appellant's Motion for Leave to File Opening Brief on Appeal Which Exceed Type-Volume Limits. Pursuant to this Court's order, Appellant was permitted to file an Opening Brief that contained 17,625 words. Pursuant to this Court's Order, Appellant's over-size brief was filed on June 3, 2015.

Appellant's Opening Brief contained 5 grounds, many of which required thorough discussion. These included claims of ineffective assistance of counsel with regard to whether jury instructions accurately stated Nevada law, the admissibility of co-conspirator's statements, and the decision not to sever the trials or counts. Respondent has diligently sought to respond in as concise a manner as possible, without sacrificing depth, breadth, or accuracy. See NRAP 32(a)(7)(A)(D)(i). However, in order to fully develop the facts and answer the issues Appellant raised therein, it has been necessary to prepare an Answering Brief containing 16,512

words. Thus, Respondent requests the same type volume limit as Appellant received, not to exceed 17,625 words.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated this 23<sup>rd</sup> day of July, 2015.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney

BY */s/ Jonathan E. VanBoskerck*

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 23<sup>rd</sup> day of July, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT  
Nevada Attorney General

RICHARD F. CORNELL, ESQ.  
Counsel for Appellant

JONATHAN E. VANBOSKERCK  
Chief Deputy District Attorney

*/s/ j. garcia*

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Employee, Clark County  
District Attorney's Office