

JOSE FERNANDO MONAY-PINA, A/K/A
JOSE FERNANDO MONAYPINA,

NO: 74199

Electronically Filed
Feb 22 2018 10:01 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appellant,

VS.

THE STATE OF NEVADA

Defendant.

MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

COMES NOW, Petitioner Jose Fernando Monay-Pina, by and through his attorney of record, Thomas D. Boley, Esq. and respectfully requests that this Honorable Court allow an extension of time to file the Appellant's opening brief by ninety (90) days for the reasons set forth in the points and authorities therein and the attached declaration of counsel.

This request is predicated by NRAP 26(b)(1)(A), NRAP 31(b)(3) and the attached declaration of counsel.

DATED this 21st day of February, 2018.

RESPECTFULLY SUBMITTED

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Attorney for Appellant

POINTS AND AUTHORITIES

NRAP 26(b)(1)(A) provides as follows: “For good cause, the Court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires.” NRAP 26(b)(1)(A). Pursuant to the below attached declaration, good cause has been shown to extend the time to file the opening brief by ninety (90) days.

The underlying criminal matter involved two co-defendants. Casimiro Venegas was represented by Adam Gil. Jose Monay-Pina was represented by the undersigned. One of the major issues in this appeal is that a motion for a mistrial was made by Attorney Gil off the record due to information presented during the State of Nevada’s closing arguments. In order to properly represent Mr. Monay-Pina, it would be prudent to have a conference with Mr. Gil and/or read the brief he will file in case 74241. Unfortunately, that opening brief has not been filed. It is anticipated from a discussion with Mr. Gil that he will be requesting an extension of time to file this document.

Also, due to the fault of counsel, the transcript was not delivered in this matter until 2/6/2018, which only provided seventeen days, even with an oral request for extension, to draft the opening brief.

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