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IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LUIS COTA,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

Supreme Court No. 77415
Electronically Filed
Mar 13 2019 03:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO CONSOLIDATE APPEALS
AND FOR AN EXTENSION OF TIME**

COMES NOW Appellant, MICHAEL LUIS COTA, by and through his
appointed counsel of record, JOHN E. MALONE, ESQ., hereby moves this
honorable court for an order consolidating these two appeals and for an
extension of time to file and serve a single opening brief and appendix. NRAP
3(b), NRAP 31.

DATED this 13th day of March, 2019.

By: /s/ John E. Malone
JOHN E. MALONE, ESQ.
Nevada Bar No. 5706
209 N. Pratt Ave.
Carson City, NV 89701
Attorney for **Michael Luis Cota**

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2 POINTS AND AUTHORITIES

3 Docket No. 77414 is a direct appeal from a judgment of conviction
4 entered pursuant to a guilty plea of one count of battery by a prisoner. Docket
5 No. 77415 is a direct appeal from a judgment of conviction entered pursuant
6 to a guilty plea of principal to grand larceny with use of a firearm. Mr. Cota
7 resolved both cases together in the district court and was sentenced on both
8 cases at the same hearing. The undersigned counsel represented Mr. Cota for
9 both cases in the district court, and both appeals raise the same issues.
10 Specifically, Mr. Cota challenges the improper introduction of Mr. Cota's
11 juvenile records, including mental and psychological records and memoranda
12 from incidents that never led to formal dispositions at sentencing. Mr. Cota
13 also challenges the improper introductions of alleged gang affiliation at
14 sentencing. The briefs will present the same arguments in both appeals;
15 accordingly, in the interests of judicial efficiency, Mr. Cota requests the
16 appeals be consolidated and that he be permitted to file a single opening brief
17 and appendix.

18 With respect to the briefing, Mr. Cota moves the court for an extension
19 of time of 60 days to file the opening brief and appendix. The transcript
20 requested in both cases on November 6, 2018, has not yet been received.
21 Counsel has been working with the district court clerk's office and the court

1 reporter service to obtain the transcripts, but to date it has not been completed.
2 The transcript is necessary for the preparation of the brief and for this court's
3 review of the issues on appeal.

4 Appellant therefor requests an extension of 60 days to file and serve the
5 opening brief and appendix. No extensions have yet been requested or
6 extended. This request is not for purposes of delay.

7 DATED this 13th day of March, 2019.

8 By: /s/ John E. Malone
9 JOHN E. MALONE, ESQ.
Nevada Bar No. 5706
209 N. Pratt Ave.
10 Carson City, NV 89701
(775) 461-0254
11 Attorney for **Michael Luis Cota**

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 13th day of March, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Douglas County District Attorney's Office
PO Box 218
Minden, NV 89423

Attorney General's Office
100 N. Carson St.
Carson City, NV 89701

DATED this 13th day of March, 2019.

SIGNED: /s/ Kelly Atkinson

Employee of the Law Office of John Malone