

IN THE SUPREME COURT OF THE STATE OF NEVADA

CASIMIRO VENEGAS,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

Electronically Filed
Jan 05 2022 04:55 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No.: 89220
District Court Case No. A11071681-W

MOTION FOR ENLARGEMENT OF TIME

COMES NOW Appellant CASMIRO VENEGAS, by JOSEPH Z. GERSTEN, ESQ. of THE GERSTEN LAW FIRM PLLC, and moves this Court for an enlargement of time within which to file the Appellant's Case Appeal Statement. This motion is based on the following memorandum and declaration of counsel and all papers and pleadings on file herein.

Dated this 5th day of January 2022.

Respectfully submitted,


JOSEPH Z. GERSTEN
NV Bar #13876
The Gersten Law Firm PLLC
9680 W Tropicana Avenue #146
Las Vegas, NV 89147
702-857-8777
joe@thegerstenlawfirm.com

MEMORANDUM

I, JOSPEH Z. GERSTEN, am a duly licensed attorney in the State of Nevada and am employed by The Gersten Law Firm PLLC. This is an Appeal from a denial of a Writ of Habeas Corpus. The Petitioner is requesting an extension of time in which to file his Case Appeal Statement under NRAP 26(b)(1)(A) and NRAP 31(b)(3). See Proposed Appellant's Case Appeal Statement attached hereto as Exhibit A. Appellant's Case Appeal Statement was due December 28, 2021. Somehow due to delayed mail, the holidays, and a mis-calendaring of the due date for said case appeal statement, the due date was missed.

This is the Appellant's First request for an extension of time in this case.

Due to the above-described circumstances, the Appellant respectfully requests an enlargement of time within which to file his Case Appeal Statement.

This motion is made in good faith and not for purposes of undue delay. The Appellant also notes that the State will not be prejudiced by the extension, as it was a ruling against the Appellant that is the subject of this appeal.

I declare under penalty of perjury that the factual representations set forth in the foregoing memorandum are true and correct.

Dated this 5th day of January 2022.

Joseph Z. Gersten
JOSEPH Z. GERSTEN
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 5th day of January 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701
775-684-1265

STEVEN B. WOLFSON
c/o Alex Chen
District Attorney Clark County
200 Lewis Street, 3rd Floor
Las Vegas, NV 89101

BY Joseph Z. Gersten
Employee of The Gersten Law Firm PLLC

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

CASIMIRO VENEGAS,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

Supreme Court No.: 83964

District Court Case No.: A-19-791881-W

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Casimiro Venegas

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable Linda Marie Bell

3. Identify each appellant and the name and address of counsel for each appellant:

Casimiro Venegas
JOSEPH Z. GERSTEN, ESQ.
The Gersten Law Firm PLLC
9680 W Tropicana Avenue # 146
Las Vegas, NV 89147
Telephone (702) 857-8777
joe@thegerstenlawfirm.com

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4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

STEVEN B. WOLFSON, ESQ.
District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89101

AARON FORD, ESQ.
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Appointed

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Appointed

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8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

10/07/2020

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

Appellant received ineffective assistance of counsel at the District Court level. See Strickland v. Washington.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

N/A

12. Indicate whether this appeal involves child custody or visitation:

N/A

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

N/A

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Dated this 4th day of January 2022.


JOSEPH Z. GERSTEN, ESQ.
Nevada Bar No.: 13876
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9680 W Tropicana Avenue # 146
Las Vegas, NV 89147
Telephone (702) 857-8777
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **CASE APPEAL STATEMENT** was filed with the Clerk of the Court by using the electronic filing system on the 4th day of January 2022 or that I deposited a true and correct copy of the foregoing, in the United States Postal Service in Las Vegas, Nevada, enclosed in a sealed envelope, first class mail, postage prepaid, addressed as follows:

CALVIN JOHNSON, Warden
P.O. Box 650
Indian Springs, Nevada 89070-0650
22010 Cold Creek Road
Indian Springs, Nevada 89070

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Carson City, Nevada 89701-4717

By Joseph Z. Gersten
JOSEPH Z. GERSTEN, ESQ.
An Employee of The Gersten Law Firm PLLC