

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK LEAL,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 83451

District Court No. 8th
(Clark County)

Electronically Filed
Oct 22 2021 05:14 p.m.
IDA-201814369-W
Elizabeth A. Brown
Clerk of Supreme Court

**UNOPPOSED MOTION FOR ENLARGEMENT OF
TIME TO FILE ANSWER BRIEF
(SECOND REQUEST)**

Respondent, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Michael J. Bongard, Senior Deputy Attorney General, hereby moves this honorable Court for a sixty (60) day enlargement of time up to and including Tuesday, January 4, 2022, in which to serve and file the answer brief. The brief is currently due on November 5, 2021.

Respondent brings this motion in good faith and not for the purpose of delay. Respondent requires this extension based upon the following Declaration.

Dated this 22nd day of October, 2021.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
MICHAEL J. BONGARD
Nevada Bar No. 007997
mbongard@ag.nv.gov

DECLARATION OF COUNSEL

I, MICHAEL J. BONGARD, being first duly sworn according to law, hereby state that the assertions of this declaration are true:

1. I am a Senior Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Post-Conviction Division, and I make this affidavit on behalf of Respondent's Unopposed Motion for Enlargement of Time (First Request) in the above captioned case.

2. Since Appellant filed the opening brief on October 6, 2021, in addition to working on the answering brief, Counsel appeared in federal court on October 13, 2021, for a status hearing in *Lisle v. Gittere*, USDC case number 2:03-cv-01006-MMD-DJA (death penalty case). On October 18, 2021, Counsel appeared in the Seventh Judicial District Court for a sentencing hearing in *State v. Peterson*, case number CR-2101004. On October 19, 2021, Counsel appeared again in the Seventh Judicial District Court for arraignments in *State v. Simon*, case number CR-2012016 and in *State v. Leso*, case number CR-2101001.

3. Counsel also filed pleadings in the following cases: On October 11, 2021, a Motion to Dismiss the federal habeas petition in *Ayala v. Johnson, et al.*, USDC case number 2:17-cv-02093-RFB-VCF; and on October 18, 2021, an answer to the state habeas corpus petition in *James Park v. State*, First Judicial District Court case number 20-CR-00070 1B.

4. Counsel is also working on the brief in due on November 8, 2021, in April Parks v. State, case number 82876, which is on a first extension.

5. Counsel was out of the office on October 11-12, 2021 attending a funeral in Wisconsin, and will be taking annual leave (“use it or lose it” time) from November 23-December 3, 2021.

6. On October 22, 2021, Counsel contacted Leal’s counsel, Diane Lowe, to determine her position on this motion. Ms. Lowe responded that she did not oppose this motion.

7. Affiant submits that, pursuant to NRAP 26(b), the factors outlined above constitute good cause for granting an enlargement of time within which to file the answering brief.

DATED this 22nd day of October, 2021.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard
Nevada Bar No. 007997
Office of the Attorney General
1539 Avenue F, Suite 2
Ely, Nevada 89301

AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated: October 22, 2021.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard
Nevada Bar No. 007997
Senior Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Answering Brief* in accordance with this Court's electronic filing system and consistent with NEFCR 9 on October 22, 2021.

Participants in this case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the Court's electronic filing system.

Diane C. Lowe, Esq.
Lowe Law, L.L.C.
7350 West Centennial Parkway, #3085
Las Vegas, Nevada 89128

/s/ M. Landreth
An employee of the Office of the
Attorney General