

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Dec 30 2021 09:04 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

JACK LEAL,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 83451

District Court No. 8th JD A-20-814369-W
(Clark County)

**UNOPPOSED MOTION FOR ENLARGEMENT OF
TIME TO FILE ANSWER BRIEF
(SECOND REQUEST)¹**

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 thirty (30) day enlargement of time up to and including February 3, 2022, in which to serve and file the answer brief. The brief is currently due on January 4, 2021.

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¹ This is the second request for an enlargement of time. Counsel mistakenly captioned the first request for enlargement as the second enlargement.

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 30th day of December, 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. Counsel is almost finished with the draft of the answering brief, and intends to finish the draft by January 4, 2022. However, Counsel will not be able to review and edit the draft for filing because Counsel has a preliminary hearing necessitating travel from Ely to Elko on January 3, 2022 in State v. Himmelman, Elko Justice Court case number CR-F-21-6863, a case where the defendant is charged with second-degree murder.

3. Counsel is requesting 30 days for the enlargement because Counsel has leave scheduled from January 6, 2022, through January 13, 2022, in part to assist Counsel's mother who will undergo cataract surgery.

4. 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.

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5. 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 30th day of December, 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: December 30, 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 December 30, 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
M. Landreth, an employee of the Office of the
Attorney General