

IN THE SUPREME COURT OF THE STATE OF NEVADA

APRIL PARKS,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 82876

District Court No. 8th
(Clark County)

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Sep 30 2021 04:36 p.m.
DCA-19-807564-W
Elizabeth A. Brown
Clerk of Supreme Court

**UNOPPOSED MOTION FOR ENLARGEMENT OF
TIME TO FILE ANSWERING BRIEF
(FIRST 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 thirty-two (32) day enlargement of time up to and including Monday, November 8, 2021, in which to serve and file the answer brief. The brief is currently due on October 7, 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 30th day of September, 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 September 7, 2021, in addition to working on the answering brief, Counsel appeared in the Ely Township Justice Court for preliminary hearings in the following cases: *State v. Ornelas*, case number 20-CR-123-7K on September 7, 2021; and two preliminary hearings on September 28, 2021, *State v. Rogers*, case number 21-CR-22-7K and *State v. Long*, 20-CR-255-7k.

3. Counsel also filed pleadings in the following cases: a motion to reconsider in *Randolph v. Gittere*, et al., USDC case number 3:08-cv-650-LRH-CLB (death penalty case); an opposition for leave to amend in *Thomson v. Williams*, et al., USDC case number 2:17-cv-2932-RFB-EJY; a motion to dismiss the petition for writ of mandamus in *Brooks v. State*, Seventh Judicial District Court case number WM-2108004; and a motion to dismiss the habeas corpus petition in *Martinez v. Gittere*, Seventh Judicial District Court case number HC-2103002.

4. Counsel is also working on the following pleadings in addition to drafting the answering brief in this matter: an answer to the habeas corpus petition in *Moore v. Gittere*, et al., USDC case number 2:13-cv-655-JCM-DJA (death penalty case); briefing in response to the court's order granting petitioner's motion to reconsider in *McNelton v. Gittere*, et al., USDC case number 2:00-cv-284-RCJ-DJA (death penalty case); and a motion to dismiss the state habeas corpus petition in *Park v. State*, First Judicial District Court case number 20-CR-70-1B.

5. Counsel was in the office but attending CLE classes on September 15-16, 2021.

6. On September 28, 2021, Counsel contacted Parks' counsel, Jamie Resch, to determine his position on this motion. Mr. Resch responded that he did not oppose this motion.

7. Counsel has almost completed the rough draft of the answering brief but needs to have the draft reviewed by attorneys in the Attorney General's Office as well as the Clark County District Attorney's Office. Counsel does not anticipate needing the entire 30 days requested, but out of an abundance of caution counsel is attempting to anticipate enough time to edit the draft of the answering brief prior to filing, as well as accommodate his current calendar and any future court appearance in criminal matters that have not yet been scheduled.

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8. 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 September, 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

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 September 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.

Jamie J. Resch, Esq.
2620 Regatta Dr., Suite 102
Las Vegas, Nevada 89128

/s/ Amanda White