

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSE NOBLE, JR.,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 83204

District Court No. 8th
(Clark County)

Electronically Filed
Dec 21 2021 12:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**UNOPPOSED MOTION FOR ENLARGEMENT OF
TIME TO FILE ANSWER 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 sixty-two (62) day enlargement of time up to and including Monday, February 28, 2022, in which to serve and file the answer brief. The brief is currently due on December 29, 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 21st 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 was on annual leave until December 6, 2021. Since his return, Counsel appeared in the Fourth Ely Township Justice Court for a sentencing hearing in *State v. Himmelman*, Fourth Judicial District Court Case Number CR-21-106 on December 6, 2021. Counsel also prepared for preliminary hearings in the Ely Township Justice Court on December 9, 2021, in *State v. Federov*, Case Number 19-CR-215-7k, and *State v. Murillo*, Case Number 19-CR-211 and *State v. Maldonado*, Case Number 21-CR-74, on December 10, 2021. While the hearings on Murillo and Maldonado were vacated, Counsel still expended time preparing for the hearings. Counsel also appeared for an arraignment on December 13, 2021, in *State v. Richards*, Seventh Judicial District Court Case Number CR-2108070. On the same day, Counsel also appeared for an extradition hearing in the Ely Township Justice Court in *State v. Perkins*, Case Number 21-EX-5-7K.

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3. 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); an answer to the remaining claims in *Orth v. Warden, High Desert State Prison*, et al., USDC Case Number 2:17-cv-02047-JAD-PAL; the answering brief in *Leal v. State of Nevada*, Nevada Supreme Court Case Number 83451, and the Opposition for Certificate of Appealability in *Ross v. Johnson*, et al., Ninth Circuit Case Number 21-16796.

5. Counsel taught a one-hour training on December 16, 2021.

6. On December 20, 2021, Counsel contacted Noble's counsel, Joseph Gersten, to determine his position on this motion. Mr. Gersten responded that he did not oppose this motion.

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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 21st 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 21, 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 21, 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.

Joseph Z. Gersten, Esq.
The Gersten Law Firm, PLLC
9680 W. Tropicana Avenue, #146
Las Vegas, Nevada 89147

/s/ C. Martinez
An employee of the Office of the Attorney General