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11 Attorneys for Petitioner

12 UNITED STATES DISTRICT COURT  
 13 DISTRICT OF NEVADA  
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15 KEVIN JAMES LISLE,

16 Petitioner,

17 v.

18 WILLIAM GITTERE, Warden, Ely State  
 Prison & AARON FORD, Nevada Attorney  
 19 General,

20 Respondents.

Case No. 2:03-cv-1006-MMD-CWH

**STIPULATION AND PROPOSED ORDER**

DEATH PENALTY CASE

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1 On July 5, 2019, this Court adopted the parties proposed stipulation  
2 describing the process for recommending of and assistance for a Court's expert to  
3 determine "whether Lisle is competent to make [a waiver of further proceedings]  
4 and whether his waiver is knowing, intelligent, and voluntary." ECF No. 358 at 5;  
5 ECF No. 363 at 6.

6 Since that time, the parties have attempted to contact eleven potential  
7 experts. Communications with potential experts is more difficult as the parties seek  
8 to comply with their agreement, adopted by the Court to, share all communications  
9 with potential experts with the other side, either by inclusion on e-mails or through  
10 conference calls. ECF No. 363 at 2.

11 The parties have received some responses from potential experts, but will  
12 still need to review responses, vet those experts, and see if they can reach  
13 agreement as to a recommended expert. Alternatively, the parties will be  
14 forwarding separate recommendations to the Court.

15 As a separate matter, David Anthony, the Capital Habeas Unit Chief, will be  
16 on personal leave from July 19 – 28, 2019. Mr. Anthony would need to approve the  
17 Petitioner's position regarding this issue.

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1           The parties respectfully request that the time to submit a proposed agreed  
2 upon expert, or separate recommendations of an expert (two per side) until August  
3 9, 2019, rather than the originally stipulated date of July 17, 2019.

4           DATED this 17th day of July, 2019.

5 RENE L. VALLADARES  
6 Federal Public Defender

AARON FORD  
Nevada Attorney General

7  
8 /s/ David Anthony  
9 DAVID ANTHONY  
Assistant Federal Public Defender

/s/ Michael Bongard  
MICHAEL BONGARD  
Deputy Attorney General

10 /s/ Erik R. Guenther  
11 ERIK R. GUENTHER  
Assistant Federal Public Defender


12 /s/ Stacy M. Newman  
13 STACY M. NEWMAN  
Assistant Federal Public Defender

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1 **ORDER**

2 Based on the stipulation and for good cause shown, it is hereby ordered that  
3 the Court agrees that the parties may have until August 9, 2019, to forward a joint  
4 recommendation for a Court’s expert to determine “whether Lisle is competent to  
5 make [a waiver of further proceedings] and whether his waiver is knowing,  
6 intelligent, and voluntary.” If they are unable to reach agreement, then each side is  
7 to forward two names to the Court by August 9, 2019.

8 Dated this 18th day of July, 2019.

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12 MIRANDA M. DU  
13 UNITED STATES DISTRICT JUDGE  
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