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7 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 KEVIN JAMES LISLE,

11 Petitioner,

12 vs.

13 WILLIAM GITTERE, et al.,

14 Respondents.

Case No. 2:03-cv-01006-MMD-DJA

**STIPULATED MOTION FOR AN  
EXTENSION OF TIME AND PROPOSED  
ORDER TO PROVIDE COURT WITH  
NAMES OF EXPERTS TO CONDUCT  
COMPETENCY EVALUATION OF  
PETITIONER  
(ECF NO. 372)  
(DEATH PENALTY CASE)**

15  
16 Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada,  
17 and Michael J. Bongard, Senior Deputy Attorney General, and Petitioner, Kevin James Lisle, through his  
18 attorneys, David Anthony and Stacy Newman, hereby move this Court for an enlargement of time, up  
19 and to Wednesday, October 16, 2019, in which to submit the response to the Court's September 6, 2019  
20 order (ECF No. 372) nominating experts to conduct a competency evaluation of the petitioner.  
21 Respondents base this request upon the following statements of counsel.

22 Because of Mr. Anthony's and Mr. Bongard's respective schedules, counsel were unable to meet  
23 and confer regarding the Court's September 6, 2019 order until September 22, 2019. Mr. Bongard was  
24 out of the office appearing in Court in Pioche, Nevada on September 10, 2019, and out of the office  
25 attending training from September 11-13, 2019. Mr. Bongard was also doing *pro bono* work on Friday,  
26 September 20, 2019. Mr. Anthony was out of the office September 6-12, 2019.

27 Counsel for both parties at this point need to reach out to additional experts in order to find  
28 potential experts that will meet the Court's requirements of academic, clinical/forensic experience, and

1 experience in criminal legal matters stated on page 2 of the Court's September 6, 2019. (ECF No. 372.)  
2 Counsel anticipates needing two weeks to obtain and vet the names of potential experts. Counsel also  
3 anticipates meeting via telephone on either Friday, October 11, 2019, or Monday, October 14, 2019, to  
4 select experts to forward to the Court.

5 Counsel does not anticipate needing any additional enlargement of time to submit the names of  
6 experts to the Court. The parties provide notice to the Court that Mr. Bongard has annual leave scheduled  
7 for Monday, October 22, 2019 through Wednesday, November 6, 2019. However, if the Court intends to  
8 schedule a hearing during this time, Chief Deputy Attorney General Heather Procter could attend the  
9 hearing.

10 Therefore, the parties respectfully request the Court extend the time for the parties to submit the  
11 names of additional experts to the stipulated date of Wednesday, October 16, 2019.

12 DATED this 26<sup>th</sup> day of September, 2019.

13  
14 RENE L. VALLADARES  
Federal Public Defender

AARON D. FORD  
Attorney General

15  
16 /s/ David Anthony  
David Anthony  
Assistant Federal Public Defender

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

17  
18 /s/ Stacy M. Newman  
Stacy M. Newman  
Assistant Federal Public Defender

1 **ORDER**

2 Based upon the stipulation and for good cause shown, it is hereby ordered that the Court agrees  
3 that the parties may have until October 16, 2019, to forward a joint recommendation for a Court's expert  
4 to determine "whether Lisle is competent to make such a waiver and whether his waiver is knowing,  
5 intelligent, and voluntary." If Respondents and the FPD are unable to reach agreement, then each side is  
6 to submit two names of potential experts to the Court by October 16, 2019.

7 DATED this 27th day of September, 2019

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MIRANDA M. DU  
10 Chief United States District Judge