

1 Rene L. Valladares
 Federal Public Defender
 2 Nevada Bar No. 11479
 Heather Fraley
 3 Assistant Federal Public Defender
 Texas Bar No. 24050621
 4 Heather_Fraley@fd.org
 Randolph M. Fiedler
 5 Assistant Federal Public Defender
 Nevada Bar No. 12577
 6 Randolph_Fiedler@fd.org
 411 E. Bonneville Ave., Ste. 250
 7 Las Vegas, NV 89101
 (702) 388-6577
 8 (702) 388-5819 (fax)

9 Attorneys for Petitioner

10
 11 UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

12 Mark Rogers,
 13 Petitioner,
 14 v.
 15 James Dzurenda, *et al.*,
 16 Respondents.

Case No. 3:02-cv-00342-GMN-WGC
**Stipulated First Extension of
 Time for Compliance with Sept.
 24, 2019 Judgment**
 DEATH PENALTY CASE

17
 18
 19
 20
 21
 22
 23

1 In September of 2019, this Court issued an Amended Judgment in this case,
2 granting in part Mark Roger’s Second Amended Petition for Writ of Habeas Corpus.
3 ECF No. 287. The order instructed:

4 Respondents shall either (1) within 90 days from the date
5 of the order (ECF No. 286), vacate Petitioner’s judgment of
6 conviction and adjudge him not guilty by reason of
7 insanity, and adjust his custody accordingly, consistent
8 with Nevada law, or (2) within 90 days from the date of the
9 order, file a notice of the State’s intent to grant Petitioner
10 a new trial and, within 180 days from the date of the order,
11 commence jury selection in the new trial.

12 *Id.* at 1. However, the judgment also stayed itself “pending the conclusion of any
13 appellate or certiorari review . . . or the expiration of the time for seeking such
14 appellate or certiorari review, whichever occurs later.” *Id.* at 2.

15 The expiration of time for seeking certiorari review occurred on May 16,
16 2022.¹ Thus, the 90-day window of time in this Court’s judgment ends on August 15,
17 2022. The parties file this stipulation and draft order to extend the time for
18 execution of the judgment by sixty days.

19 IT IS HEREBY STIPULATED AND AGREED that:

20 1. Undersigned counsel for Mark Rogers have twice met and conferred
21 with Pershing County District Attorney R. Bryce Shields regarding this case, once
22 via telephone on June 30, 2022 and once via Zoom on July 22, 2022. The parties
23 have made progress on agreeing to a just result in Mr. Rogers’s State proceedings,
however, the parties have not been able to complete these conversations and
additional time is required.

¹ See *Rogers v. Dzurenda*, 25 F.4th 1171 (Feb. 14, 2022); see also S. Ct. R. 13.

1 2. The parties agreed to ask that this Court extend the deadlines by sixty
2 days so that they may continue these discussions.

3
4 DATED Aug. 2, 2022.

DATED Aug. 2, 2022.

5 RENE L. VALLADARES
6 Federal Public Defender

AARON D. FORD
Attorney General

7 /s/ Heather Fraley
8 Heather Fraley (Bar No. 24050621)
Assistant Federal Public Defender

/s/ Erica F. Berrett
Erica F. Berrett (Bar No. 13826)
Senior Deputy Attorney General
555 E. Washington Ave. Ste. 3900

9 /s/ Randolph M. Fiedler
10 Randolph M. Fiedler (Bar No. 12577)
Assistant Federal Public Defender

Las Vegas, Nevada 89101
Attorney for Respondents

11 411 E. Bonneville Ave. Ste. 250
12 Las Vegas, Nevada 89101
Attorneys for Petitioner

ORDER

The parties have submitted a stipulation requesting this Court to extend the deadlines in its September 24, 2019 Order by sixty days. Based on this stipulation and for good cause shown:

IT IS ORDERED that the deadlines from this Court's September 24, 2019 Order are vacated.

IT IS FURTHER ORDERED that Respondents shall either (1) by October 14, 2022, vacate Petitioner's judgment of conviction and adjudge him not guilty by reason of insanity, and adjust his custody accordingly, consistent with Nevada law, or (2) by October 14, 2022, file a notice of the State's intent to grant Petitioner a new trial and, by December 13, 2022, commence jury selection in the new trial.

Dated this 6 day of August, 2022.



GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE