

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 Second 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.<sup>1</sup> Thus, the 90-day window of time in this Court’s judgment ended on August  
17 15, 2022. This Court accepted a stipulation between the parties filed August 2, 2022  
18 to extend the deadline to October 14, 2022. As discussions between the parties  
19 remain ongoing, the parties file this stipulation and draft order to extend the time  
20 for execution of the judgment by forty-five days, to November 28, 2022.

21 IT IS HEREBY STIPULATED AND AGREED that:

22 1. Undersigned counsel for Mark Rogers have, since entry of the previous  
23 stipulation, twice met and conferred with Pershing County District Attorney R.  
Bryce Shields regarding this case, once via telephone on August 19, 2022 and once  
via telephone on September 30, 2022. The parties have made further progress on

---

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

1 agreeing to a just result in Mr. Rogers's State proceedings, however, the parties  
2 have not been able to complete these conversations and additional time is required.

3         2.         The parties agreed to ask that this Court extend the deadlines by  
4 forty-five days to and including November 28, 2022 so that they may continue these  
5 discussions.

6  
7 DATED October 14, 2022.

DATED October 14, 2022.

8 RENE L. VALLADARES  
9 Federal Public Defender

AARON D. FORD  
Attorney General

10 /s/ Heather Fraley  
11 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  
Las Vegas, Nevada 89101  
*Attorney for Respondents*

12 /s/ Randolph M. Fiedler  
13 Randolph M. Fiedler (Bar No. 12577)  
Assistant Federal Public Defender

14 411 E. Bonneville Ave. Ste. 250  
15 Las Vegas, Nevada 89101  
*Attorneys for Petitioner*

1 **ORDER**

2 The parties have submitted a stipulation requesting this Court to extend the  
3 deadlines in its August 6, 2022 Order by forty-five days. Based on this stipulation  
4 and for good cause shown:

5 **IT IS ORDERED** that the deadlines from this Court’s August 6, 2022 Order  
6 are vacated.

7 **IT IS FURTHER ORDERED** that Respondents shall either (1) by  
8 November 28, 2022, vacate Petitioner’s judgment of conviction and adjudge him not  
9 guilty by reason of insanity, and adjust his custody accordingly, consistent with  
10 Nevada law, or (2) by November 28, 2022, file a notice of the State’s intent to grant  
11 Petitioner a new trial and, by January 27, 2023, commence jury selection in the new  
12 trial.

13  
14 Dated this 14 day of October, 2022.

15   
16 \_\_\_\_\_  
17 GLORIA M. NAVARRO  
18 UNITED STATES DISTRICT JUDGE  
19  
20  
21  
22  
23