

● ORIGINAL ●

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

FILED

AUG 07 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Case No. 49478

2007 AUG -3 PM 3:29

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JAMES MONTELL CHAPPELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

MOTION FOR EXTENSION OF TIME TO
FILE APPELLANT'S OPENING BRIEF

COMES NOW, Appellant, JAMES CHAPPELL, by and through his attorney, DAVID M. SCHIECK, ESQ., and moves this Court for an Order granting an extension of time of sixty (60) days to file Appellant's Opening Brief up to and including October 3, 2007.

This Motion is made and based upon Nevada Supreme Court Rule 250(6)(e), the Affidavit filed herewith, and the Points and Authorities attached hereto.

DATED this 2 day of August, 2007.

SUBMITTED BY:

[Signature]

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER
Nevada Bar No. 0824
330 S. Third St., Ste. 800
Las Vegas, Nevada 89155
702-455-6265
Attorney for Appellant

STATEMENT OF FACTS

This capital appeal was docketed on May 25, 2007 and the opening due August 3, 2007. CHAPPELL has filed a Motion with the

JANETTE M. BLOOM
CLERK OF SUPREME COURT
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SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

07-17364

1 Court to supplement the Record on Appeal which was prepared by the
2 clerk's office and was missing four (4) transcripts. There has been
3 no Order issued as of this date.

4 POINTS AND AUTHORITIES

5 SCR 250(6(e) states as follows:

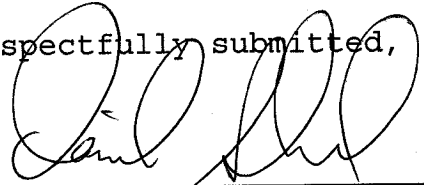
6 "(e) The supreme court may grant an initial extension
7 of time of up to 60 days to file a brief upon a showing of
8 good cause, but shall not grant additional extensions of
time except upon a showing of extraordinary circumstances
and extreme need."

9 CONCLUSION

10 An extension of time of 60 days is requested to file Appellant's
11 Opening Brief as the Record on Appeal provided by the clerk's office
12 was missing transcripts and a Motion to Supplement the Record on
13 Appeal is pending before this Court.

14 DATED this 2 day of August, 2007.

15 Respectfully submitted,

16 
17 DAVID M. SCHIECK
18 SPECIAL PUBLIC DEFENDER
19 Nevada Bar No. 0824
20 330 S. Third St., Ste. 800
Las Vegas, Nevada 89155
702-455-6265
Attorney for Appellant

21 AFFIDAVIT OF COUNSEL

22 STATE OF NEVADA)
23) ss:
24 COUNTY OF CLARK)

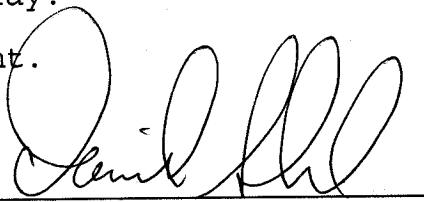
25 DAVID M. SCHIECK, ESQ., being first duly sworn, deposes and says:
26 That Affiant is an attorney duly licensed to practice law in the
27 State of Nevada, and attorney for Appellant CHAPPELL.

28 That CHAPPELL'S Opening Brief is due on August 3, 2007.

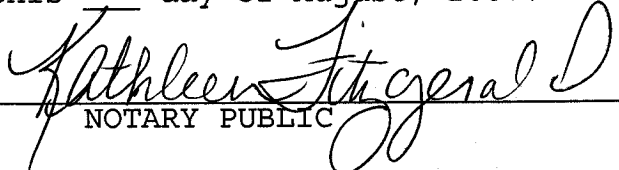
1 That the Record on Appeal in a capital case is prepared by the
2 County Clerk's Office. That there were transcripts that had not
3 been prepared prior to the filing of the ROA with this Court. That
4 the Court Reporter has now prepared and filed the transcripts.

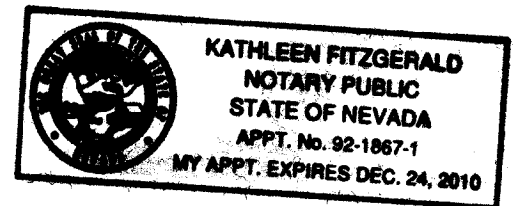
5 That Affiant has filed a Motion to Supplement the Record on
6 Appeal which has not been granted. Therefore, Affiant requests an
7 extension of 60 days to allow the supplementing of the ROA by the
8 County Clerk's office with the missing transcripts, up to and
9 including October 3, 2007. That Affiant makes this request in good
10 faith and not for purposes of delay.

11 Further Affiant sayeth naught.

12
13 
14 DAVID M. SCHIECK

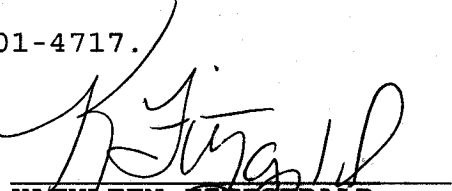
15 SUBSCRIBED AND SWORN to before me
16 this 3 day of August, 2007.

17 
18 NOTARY PUBLIC



CERTIFICATE OF MAILING

I, KATHLEEN FITZGERALD, do hereby certify that on the 3 day of August, 2007, I did deposit in the United States Post Office at Las Vegas, Nevada, a copy of the above and foregoing Motion, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to the following: Clark County District Attorney, 200 Lewis Ave., 3rd Floor, Las Vegas NV 89155; and Nevada Attorney General, 100 N. Carson St., Carson City NV 89701-4717.


KATHLEEN FITZGERALD
an employee of the Special Public
Defender's Office