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1	IN THE SUPREME COURT OF THE STATE OF NEVADA
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3	JAMES MONTELL CHAPPELL, FILED
4	JAMES MONTELL CHAPPELL, Appellant, Vs. THE STATE OF NEVADA DCT 0 5 2007 OT STATE OF NEVADA BY J. UMCMADO
5	VS. JANETTE M. BLOOM J SPACE
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7	Respondent.) Case No. 49478
8	MOTION FOR EXTENSION OF TIME TO
9	FILE APPELLANT'S OPENING BRIEF
10	COMES NOW, Appellant, JAMES CHAPPELL, by and through his
11	attorneys, DAVID M. SCHIECK, SPECIAL PUBLIC DEFENDER, and JONELL
12	THOMAS, DEPUTY SPECIAL PUBLIC DEFENDER, and moves this Court for an
13	Order granting an extension of time of ninety (90) days to file
14	Appellant's Opening Brief up to and including January 2, 2008.
15	This Motion is made and based upon Nevada Supreme Court Rule
16	250(6)(e), the Affidavit filed herewith, and the Points and
17	Authorities attached hereto.
18	DATED this day of October, 2007.
19	SUBMITTED BY:
20	DAVID M. SCHIECK
21	SPECIAL PUBLIC DEFENDER
22	A stand
23	JONELL THOMAS Nevada Bar No. 1771 330 S. Third St., Ste. 800
24	Las Vegas, Nevada 89155
25 26	OCT 0 5 2007 Attorney for Appellant
26 27	JANETTE M. BLOOM GLERK OF SÜPREME COURT DEPUTY CLERK
27 28	STATEMENT OF FACTS
20	This capital appeal was docketed on May 25, 2007. Pursuant to
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r -	07-22019

SPECIAL PUBLIC DEFENDER

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	1	the Court's Order on August 15, 2007, the opening Brief is due October
	2	3, 2007. CHAPPELL has filed a Motion with the Court to supplement the
	3	Record on Appeal which was prepared by the clerk's office. The
	4	Supplemental Record on Appeal was docketed in this Court on September
	5	21, 2007.
	6	POINTS AND AUTHORITIES
	7	SCR 250(6(e) states as follows:
	8	"(e) The supreme court may grant an initial extension of time of up to 60 days to file a brief upon a showing of
	9	good cause, but shall not grant additional extensions of time except upon a showing of extraordinary circumstances
	10	and extreme need."
	11	CONCLUSION
	12	An extension of time of 60 days was requested to file Appellant's
	13	Opening Brief and granted by this Court. That based on the reasons
	14	set forth in the Affidavit of Counsel attached hereto, an extension
	15	of 90 days is requested to file the Opening Brief, up to and including
	16	January 2, 2008.
	17	DATED this 35 day of October, 2007.
	18	SUBMITTED BY:
	19	DAVID M. SCHIECK
	20	SPECIAL PUBLIC DEFER
	21	And
	22	JEWELL THOMAS Nevada Bar No. 4771
	23	330 S. Third (St., Ste. 800
	24	Lays Vegas, Nevada 89155 702-455-6265 Attorney for Appellant
	25	Accorney for Appertant
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SPECIAL PUBLIC DEFENDER		
CLARK COUNTY NEVADA		2

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AFFIDAVIT OF COUNSEL

2 STATE OF NEVADA)) ss: 3 COUNTY OF CLARK)

JONELL THOMAS, being first duly sworn, deposes and says:

5 That Affiant is an attorney duly licensed to practice law in the 6 State of Nevada, and the Deputy Special Public Defender appointed to 7 represent Appellant CHAPPELL.

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

9 That the Record on Appeal in a capital case is prepared by the 10 County Clerk's Office. That there were transcripts that had not been 11 prepared prior to the filing of the ROA with this Court. That the 12 Supplemental Record on Appeal was docketed with this Court on 13 September 21, 2007. That this is a 19 volume Record on Appeal, which 14 encompasses transcripts for the trial, the first penalty hearing, and 15 the remanded penalty hearing.

That Affiant began employment with the Office of the Special 16 That a condition of her 17 Public Defender on August 27, 2007. 18 employment was that she would be allowed to conclude her current 19 That Affiant has a 3 day evidentiary hearing set for the first cases. part of November in Reno, Nevada. That she is attorney of record for 20 21 State v. Lewis, an appeal from the District Court's granting of a 22 Motion to Withdraw Guilty Plea wherein the Answering Brief is due at In addition, as the appellate deputy for the 23 the end of October. Special Public Defender's Office she is preparing the Opening Brief 24 in Lobato v. State, a four (4) week murder trial, which is also due 25 26 at the end of October.

That the Opening Brief in the instant case is due October 3, 2007 but Affiant will need an extension of time in order to complete her

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review of the Record on Appeal and prepare the Opening Brief which she 1 cannot begin until after she has returned from Reno. 2 3 Therefore, Affiant requests an extension of 90 days, up to and including January 2, 2008. That Affiant makes this request in good 4 5 faith and not for purposes of delay. 6 Further Affiant sayeth naught. 7 8 THOMAS 9 SUBSCRIBED AND SWORN to before me 10 this 9 day of October, 2007. KATHE EEN FITZGERALD 11 PLOT IRI IC 12 APPT. No. 92-1867-1 OTARY PUBLIC MY APPT. EXPIRES DEC. 24, 2010 13 CERTIFICATE OF MAILING 14 I, KATHLEEN FITZGERALD, do hereby certify that on the \checkmark day 15 of October, 2007, I did deposit in the United States Post Office at 16 Las Vegas, Nevada, a copy of the above and foregoing Motion, enclosed 17 in a sealed envelope upon which first class postage was fully prepaid, 18 addressed to the following: Clark County District Attorney, 200 Lewis 19 Ave., 3rd Floor, Las Vegas NV 89155; and Nevada Attorney General, 100 20 N. Carson St., Carson City NV 89701-4717. 21 22 23 KATHLEEN FITZGERALD an employee of the Special Public 24 Defender's Office 25 26 27 28 SPECIAL PUBLIC DEFENDER

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