

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

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FILED

OCT 05 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY J. Alvarado  
DEPUTY CLERK

Case No. 49478

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2007 OCT -3 PM 2:55

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 attorneys, DAVID M. SCHIECK, SPECIAL PUBLIC DEFENDER, and JONELL THOMAS, DEPUTY SPECIAL PUBLIC DEFENDER, and moves this Court for an Order granting an extension of time of ninety (90) days to file Appellant's Opening Brief up to and including January 2, 2008.

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.

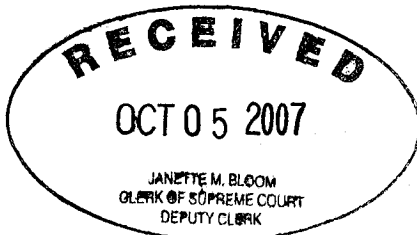
DATED this 30 day of October, 2007.

SUBMITTED BY:

DAVID M. SCHIECK

SPECIAL PUBLIC DEFENDER

JONELL THOMAS  
Nevada Bar No. 4771  
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. Pursuant to

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  
9 of time of up to 60 days to file a brief upon a showing of  
10 good cause, but shall not grant additional extensions of  
time except upon a showing of extraordinary circumstances  
and extreme need."

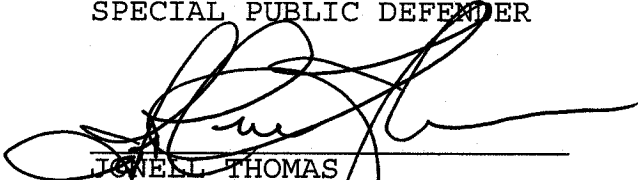
11 CONCLUSION

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 30 day of October, 2007.

18 SUBMITTED BY:

19 DAVID M. SCHIECK  
20 SPECIAL PUBLIC DEFENDER

21   
22 JONELL THOMAS  
23 Nevada Bar No. 4771  
24 330 S. Third St., Ste. 800  
25 Las Vegas, Nevada 89155  
26 702-455-6265  
27 Attorney for Appellant  
28

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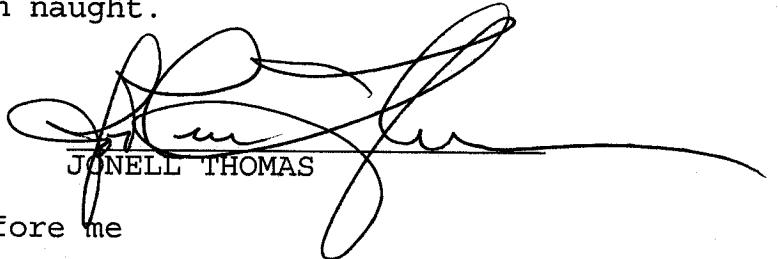
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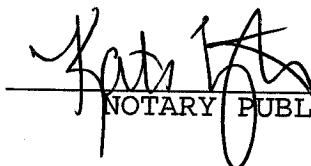
1 review of the Record on Appeal and prepare the Opening Brief which she  
2 cannot begin until after she has returned from Reno.

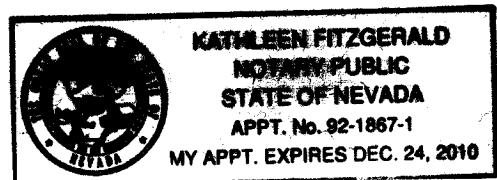
3 Therefore, Affiant requests an extension of 90 days, up to and  
4 including January 2, 2008. That Affiant makes this request in good  
5 faith and not for purposes of delay.

6 Further Affiant sayeth naught.

7  
8   
9 JONELL THOMAS


10 SUBSCRIBED AND SWORN to before me  
11 this 3 day of October, 2007.

12   
13 NOTARY PUBLIC



14 CERTIFICATE OF MAILING

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

22   
23 KATHLEEN FITZGERALD  
24 an employee of the Special Public  
25 Defender's Office  
26  
27  
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