

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

FILED

MAY 22 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

JAMES MONTELL CHAPPELL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Case No. 49478

MOTION FOR LEAVE TO FILE
EIGHTY PAGE APPELLANT'S OPENING BRIEF

COMES NOW, DAVID M. SCHIECK, Special Public Defender, and JONELL THOMAS, Deputy Special Public Defender, attorneys for JAMES CHAPPELL, above named appellant, and moves for leave to file an eighty page Appellant's Opening Brief.

This motion is based upon the following Affidavit of JoNell Thomas.

DATED this 19th day of May, 2008.

DAVID M. SCHIECK

CLARK COUNTY SPECIAL PUBLIC DEFENDER

By *[Signature]*
JONELL THOMAS
NEVADA BAR #4771
DEPUTY SPECIAL PUBLIC DEFENDER
330 S. Third Street, No. 800
Las Vegas NV 89155

RECEIVED

MAY 22 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

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A F F I D A V I T

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

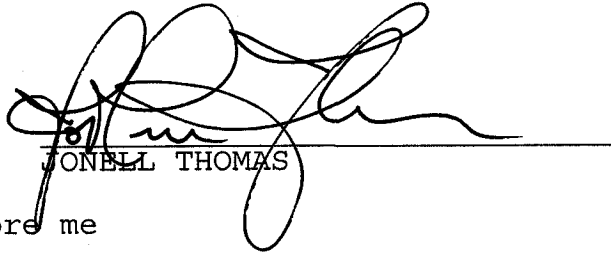
JONELL THOMAS, being first duly sworn, deposes and says:

1. That she is the Deputy Special Public Defender responsible for preparing the Appellant's Opening Brief in the above entitled case;

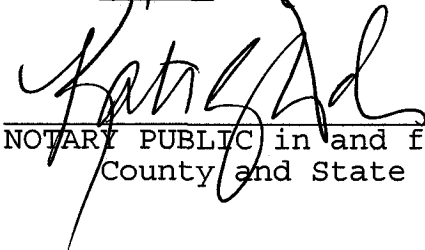
2. That in order to fully develop the facts and issues in this case, it has been necessary to write an eighty page opening brief.

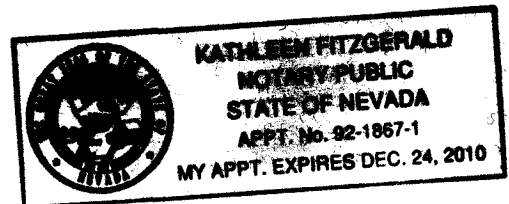
3. There was a very lengthy penalty phase which has required an extensive number of issues, including but not limited to, two issues from the guilt phase. These issues have also required summary of facts from the original trial relative to those claims.

4. In addition, there are fact specific claims raised concerning jury selection, sufficiency of the evidence for aggravating circumstances, and other issues which were raised in the petition. Each issue required citation to federal constitutional authority as well as state authority.


JONELL THOMAS

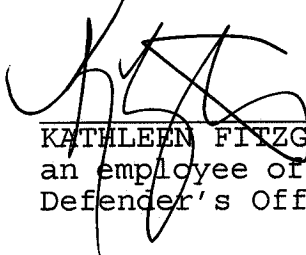
Subscribed and sworn to before me
this 19 day of May, 2008.


NOTARY PUBLIC in and for said
County and State



CERTIFICATE OF MAILING

I, KATHLEEN FITZGERALD, do hereby certify that on the 19 day of May, 2008, 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