

● ORIGINAL ●

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JAMES MONTELL CHAPPELL,
Defendant.

CASE NO. 49478

FILED

JUL 24 2007

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

RECEIVED
Las Vegas Drop Box
CLERK OF SUPREME COURT
2007 JUL 20 PM 1:55

MOTION TO SUPPLEMENT THE RECORD ON APPEAL

COMES NOW, Appellant, JAMES CHAPPELL, by and through his attorney DAVID M. SCHIECK, Special Public Defender, and respectfully moves this Honorable Court to be allowed to Supplement the Record on Appeal.

This Motion is made and based on Supreme Court Rule 250 and NRAP 27(a), and the Affidavit of Counsel attached hereto.

DATED this 20 day of July, 2007.

RESPECTFULLY SUBMITTED,

By David M. Schieck
DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER
330 S. THIRD STREET, STE. 800
LAS VEGAS NV 89155
Attorney for Appellant

STATEMENT OF FACTS

This capital appeal was docketed on May 25, 2007 and the Opening Brief is due August 3, 2007. The record on appeal prepared by the Clerk's Office does not contain transcripts of the calendar call, 2 days of penalty hearing, and the sentencing. Supreme Court Rule 250 sets forth the rules for a court reporter and their duties in preparing pre-trial transcripts and daily transcripts in a capital

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

1 case. A Request for Transcripts was served on the Court Reporter
2 prior to this appeal being docketed but the Court reporter requested
3 an extension of time to file the transcripts after the appeal was
4 docketed and this court granted the extension, up to and including
5 July 29, 2007.

6 The transcripts for March 8, 2007; March 12, 2007; March 13,
7 2007; and May 10, 2007 have been filed with the clerk's office.
8 Appellant requests this Court grant the instant motion to supplement
9 the Record on Appeal with the transcripts.

10 POINTS AND AUTHORITIES

11 NRAP 27(a) provides that

12 "(a) ... an application for an order or other relief
13 shall be made by filing a motion for such order or relief
14 with proof of service on all other parties. The motion
15 shall contain or be accompanied by any matter required by
16 a specific provision of these Rules governing such a
17 motion, shall state with particularity the grounds on which
18 it is based, and shall set forth the order or relief
19 sought...."

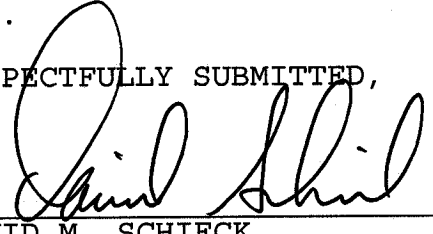
20 It is requested that this Court order the District Court Clerk's
21 Office supplement the Record on Appeal with the transcripts.

22 CONCLUSION

23 It is requested that this Court order the Clerk of the District
24 Court to supplement the record on appeal to include the transcripts
25 of March 8, 2007; March 12, 2007; March 13, 2007; and May 10, 2007.

26 DATED this 20 day of July, 2007.

27 RESPECTFULLY SUBMITTED,

28 By 
DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER
330 S. THIRD STREET, STE. 800
LAS VEGAS NV 89155
Attorney for Appellant

1 AFFIDAVIT OF COUNSEL

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

5 DAVID M. SCHIECK, being first duly sworn, deposes and says:

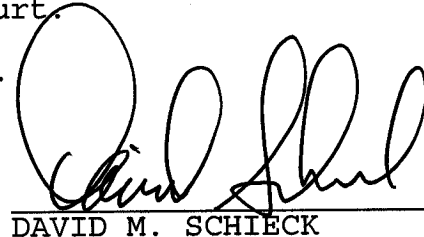
6 That Affiant is an attorney duly licensed to practice law in the
7 State of Nevada, the Clark County Special Public Defender, and
8 appellate counsel for JAMES CHAPPELL.

9 That Appellant's Opening Brief is due August 3, 2007.


10 That the Record on Appeal was prepared by the clerk's office
11 pursuant to SCR 250(6)(b). Several transcripts were missing (March
12 8, 2007; March 12, 2007; March 13, 2007, and March 10, 2007). Affiant
13 served a Request for Transcripts on the Court Reporter and the
14 transcripts have been filed.

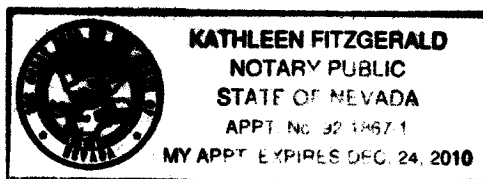
15 That Affiant requests this Court order the Clark County Clerk's
16 office to supplement the Record on Appeal with the transcripts of
17 March 8, 2007; March 12, 2007; March 13, 2007, and March 10, 2007.
18 That Affiant is informed and believes that the clerk's office will not
19 automatically supplement the Record on Appeal but will wait to be
20 ordered to do so by the Supreme Court.

21 Further Affiant sayeth naught.

22 
23 DAVID M. SCHIECK

24 SUBSCRIBED and SWORN to before me
25 this 20 day of July, 2007.

26 
27 NOTARY PUBLIC
28



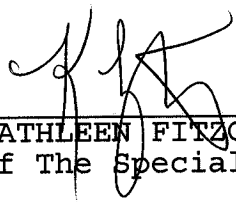
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

The undersigned does hereby certify that on the 20 day of July, 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:

District Attorney
RJC
200 Lewis Ave., 3rd Floor
Las Vegas, Nevada 89155

Attorney General
100 N. Carson St.
Carson City, NV 89701-4717


KATHLEEN FITZGERALD an employee
of The Special Public Defender