

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Electronically Filed  
Oct 30 2012 09:48 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

JAMES CHAPPELL  
Appellant

No. 61967

DOCKETING STATEMENT  
CRIMINAL APPEALS

vs.

(Including appeals from pretrial and post-conviction rulings and other requests for post-conviction relief)

THE STATE OF NEVADA  
Respondent

GENERAL INFORMATION

1. Judicial District Eighth County Clark  
Judge Carolyn Ellsworth District Ct Case No. C131341

2. If the defendant was given a sentence,  
(a) what is the sentence?  
See attached Page

(b) has the sentence been stayed pending appeal?  
No.

(c) was defendant admitted to bail pending appeal?  
No.

3. Was counsel in the district court appointed ☒ or retained ☐ ?

4. Attorney filing this docketing statement:

Attorney Christopher R. Oram Esq. Telephone (702)598-1471  
Firm: Christopher R. Oram LTD.  
Address: \_\_\_\_\_

Client(s) James Chappell

5. Is appellate counsel appointed ☒ or retained ☐ ?

If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**6. Attorney(s) representing respondent(s):**

Attorney Steve Wolfson Telephone (702) 671-2500  
Firm: District Attorney  
Address: 200 Lewis Avenue  
Las Vegas, Nevada 89101

Client(s) State of Nevada

Attorney Catherine Cortez-Masto Telephone \_\_\_\_\_  
Firm: Attorney General  
Address: 100 North Carson Street  
Carson City, Nevada 89701-4717

Client(s) State of Nevada

(List additional counsel on separate sheet if necessary)

**7. Nature of disposition below:**

- |  |   |
|--|---|
| <input type="checkbox"/> Judgment after bench trial            | <input type="checkbox"/> Grant of pretrial habeas                         |
| <input type="checkbox"/> Judgment after jury verdict           | <input type="checkbox"/> Grant of motion to suppress evidence             |
| <input type="checkbox"/> Judgment upon guilty plea             | <input checked="" type="checkbox"/> Post-conviction habeas (NRS ch. 34)   |
| <input type="checkbox"/> Grant of pretrial motion to dismiss   | <input type="checkbox"/> grant <input checked="" type="checkbox"/> denial |
| <input type="checkbox"/> Parole/Probation revocation           | <input type="checkbox"/> Other disposition (specify)                      |
| <input type="checkbox"/> Motion for new trial                  |   |
| <input type="checkbox"/> grant <input type="checkbox"/> denial |   |
| <input type="checkbox"/> Motion to withdraw guilty plea        |   |
| <input type="checkbox"/> grant <input type="checkbox"/> denial |   |

8. Does this appeal raise issues concerning any of the following:

☒ death sentence  
☐ life sentence

☐ juvenile offender  
☐ pretrial proceedings

9. **Expedited appeals:** The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

Yes ☐ No ☒

10. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g. separate appeals by co-defendants, appeal after post-conviction proceedings):

None that Counsel is aware

11. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

None that counsel is aware.

12. **Nature of action.** Briefly describe the nature of the action and the result below:

On October 19, 2012, the Honorable Judge Carolyn Ellsworth denied Mr. Chappell's Petition for Writ of Habeas Corpus. The Order not having been entered as of this date.

**13. Issues on appeal.** State concisely the principal issue(s) in this appeal:

Mr. Chappell reserves the right to address issues as they may arise.

**14. Constitutional issues.** If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A ☒ Yes ☐ No ☐

If not, explain

**15. Issues of first-impression or of public interest.** Does this appeal present a substantial legal issue of first-impression in this jurisdiction or one affecting an important public interest?

First-impression: Yes ☐ No ☒  
Public interest: Yes ☐ No ☒

16. **Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

17 days

17. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes ☒ No ☐

#### TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from 10/22/2012

19. Date of entry of written judgment or order appeal from not entered as of this date.

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

20. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court

(a) Was service by delivery ☐ or by mail ☐.

21. If the time for filing the notice of appeal was tolled by a post judgment motion,

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment \_\_\_\_\_

Date filed \_\_\_\_\_

New trial \_\_\_\_\_

Date filed \_\_\_\_\_

(newly discovered evidence)

New trial \_\_\_\_\_

Date filed \_\_\_\_\_

(other grounds)

(b) Date of entry of written order resolving motion \_\_\_\_\_

22. Date notice of appeal filed 10/22/2012

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other

### SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority that grants this court jurisdiction to review from:

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.575(2) _____
NRS 177.015(3) _____	Other (specify) <u>NRAP 4(b)</u>
NRS 177.055 _____	

### VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

James Chappell

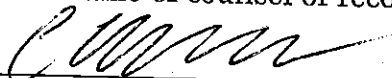
Name of appellant

October 29, 2012

Date

Christopher R. Oram Esq.

Name of counsel of record



Signature of counsel of record

### CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 29<sup>th</sup> day of Oct 2012. Electronic Service of the foregoing document shall

be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ-MASTO  
Nevada Attorney General

STEVE OWENS  
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Jessie Vargas

An Employee of Christopher R. Oram, Esq.

**REGISTER OF ACTIONS**  
**CASE No. 95C131341**

**The State of Nevada vs James M Chappell**

Case Type: Felony/Gross  
Date Filed: Misdemeanor  
Location: 10/10/1995  
Case Number: Department 5  
Scope ID #: C131341  
Case Number: 1212860  
Case Number: 95F08114

## PARTY INFORMATION

Defendant Chappell, James M

**Lead Attorneys**  
**Christopher R. Oram**  
*Retained*  
7023845563(W)

**Plaintiff      State of Nevada**

**Steven B Wolfson**  
702-671-2700(W)

### CHARGE INFORMATION

Charges: Chappell, James M

1. BURGLARY.  
2. ROBBERY WITH A DEADLY WEAPON  
3. MURDER WITH A DEADLY WEAPON  
3. DEGREES OF MURDER

Statute	Level	Date
205.060	Felony	01/01/1900
200.380*165	Felony	01/01/1900
200.010*165	Felony	01/01/1900
200.030	Felony	01/01/1900

## EVENTS & ORDERS OF THE COURT

12/30/1996	Sentencing (9:00 AM) ()
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SENTENCING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin

## Minutes

12/30/1996 9:00 AM

- Elaine Lowrey of the Division of Parole & Probation present. DEFT. CHAPPELL ADJUDGED GUILTY OF COUNT I - BURGLARY (F), COUNT II - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT III - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F). Statements in mitigation of sentencing. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, deft. is SENTENCED to a MAXIMUM term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of FORTY EIGHT (48) MONTHS in the Nevada Department of Prisons for Count I, and is SENTENCED to a MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY TWO (72) MONTHS in the Nevada Department of Prisons plus an EQUAL AND CONSECUTIVE MAXIMUM term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY TWO (72) MONTHS in the Nevada Department of Prisons for the use of a deadly weapon for Count II, to be served CONSECUTIVELY to Count I and deft. is SENTENCED to DEATH for Count III, to be served CONSECUTIVELY to Counts I and II. Deft. to receive 192 DAYS Credit for Time Served and is to PAY STATUTORY RESTITUTION. BOND EXONERATED, if any. Stay of execution signed in open court. NDP

[Return to Register of Actions](#)