

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MONTELL CHAPPELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61967

FILED

JUN 03 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER GRANTING MOTION

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus in a death penalty case. Appellant has filed a motion requesting a second extension of time for 90 days to file the opening brief. This court previously granted appellant a 90-day extension of time to file the opening brief and cautioned counsel that his caseload would not normally suffice as cause for an additional extension of time. As cause for the instant motion, counsel represents that he is currently involved in capital litigation that began on April 22, 2013. Under the circumstances, we grant appellant's motion. Appellant shall have until August 20, 2013, to file and serve the opening brief and appendix. No further extensions of time shall be permitted absent demonstration of extraordinary circumstances and extreme need. NRAP 31(b)(3)(D). Counsel's caseload will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely

file the opening brief and appendix may result in the imposition of sanctions.

It is so ORDERED.

Pickering, C.J.

cc: Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney