

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA vs Chappell, James M

10/18/95 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003813	Silver, Abbi	Y
0001 D1	Chappell, James M	Y
PUBDEF	Public Defender	Y
004214	Bassett, Kedric	Y

DEFT. CHAPPELL ARRAIGNED, PLED NOT GUILTY AND WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial. Upon Court's inquiry, State advised they have not determined if this will be a capital case but it will be determined within the next few days. Court advised, if that determination is made, counsel is to place the matter back on calendar.

CUSTODY

5-29-96 9:00 AM CALENDAR CALL

6-3-96 10:00 AM JURY TRIAL

11/15/95 09:00 AM 00 NOTICE OF INTENT TO SEEK DEATH PENALTY

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
CONNIE MILLER, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003813	Silver, Abbi	Y
0001 D1	Chappell, James M	Y
PUBDEF	Public Defender	Y
003374	Brooks, Howard S.	Y

Court advised we need to set a 250 briefing schedule. State concurred. Court advised the Notice of Intent to Seek the Death Penalty has been filed on November 8. COURT ORDERED, the following briefing schedule is set:

Deft's motions to be filed by APRIL 1, 1996;
State's response to be filed by APRIL 22, 1996;
Deft's replies to be filed by MAY 6, 1996;
Matter set for argument on May 13.

COURT FURTHER ORDERED, this matter is set for a pre-trial conference in chambers with counsel on May 1.

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 001

CUSTODY

5-1-96 10:30 AM PRETRIAL CONFERENCE

5-13-96 9:00 AM ARGUMENT: ALL PENDING PRETRIAL MOTIONS

04/17/96 09:00 AM 00 DEFT'S REQUEST TO CONTINUE TRIAL DATE

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: LORI BROWN, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
003649 Kephart, William D.
0001 D1 Chappell, James M
PUBDEF Public Defender
000556 Kohn, Philip J.Y
Y
Y
Y
Y

Mr. Kohn advised that Mr. Brooks, DPD, was in the process of preparing a written motion to continue when he became ill. As the State agrees that a written motion should be filed; COURT ORDERED, matter CONTINUED for that purpose.

CUSTODY

CONTINUED TO: 04/24/96 09:00 AM 01

04/24/96 09:00 AM 01 DEFT'S REQUEST TO CONTINUE TRIAL DATE

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
003813 Silver, Abbi
0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.Y
Y
Y
Y
Y

Court advised he understands Mr. Brooks' problem and understood this case would be continued when the Court placed the Bolin trial into the June 3 trial stack. State advised they are ready and were preparing to issue subpoenas. Court advised he is more than satisfied that this is not a ploy and the Court has the utmost confidence in Mr. Brooks' integrity. COURT

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 002

ORDERED, TRIAL DATE VACATED; counsel to speak with each other and with the Court Clerk as to a suitable trial date; matter CONTINUED for trial setting.

CUSTODY

5-1-96 9:00 AM TRIAL SETTING

05/01/96 09:00 AM 00 TRIAL SETTING

HEARD BY: Gene Porter, Judge

OFFICERS: LORI BROWN, Court Clerk
JANICE LISTON, Reporter/Recorder

PARTIES: 0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.

Y
Y
Y

Mr. Brooks advised that Ms. Silver, DDA, was present earlier, and parties have stipulated to the following briefing schedule:

Pretrial motions to be filed by July 1, 1996
Oppositions to be filed by August 5, 1996
Replies to be filed by August 16, 1996
Matter SET for argument September 11, 1996
Matter SET for status check September 25, 1996

Mr. Brooks further advised that he and Ms. Silver have stipulated to a trial date being SET in the October stack. COURT SO ORDERED.

CUSTODY

9-11-96 10:00 A.M. ARGUMENT: PRETRIAL MOTIONS

9-25-96 9:00 A.M. STATUS CHECK: TRIAL STATUS

10-2-96 9:00 A.M. CALENDAR CALL

10-7-96 10:00 A.M. JURY TRIAL

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 003

05/22/96 09:00 AM 00 STATE'S MOTION TO ADMIT EVIDENCE OF
CRIMES, WRONGS, OR BAD ACTS

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004515 Tobiasson, Melanie A.	Y
	0001 D1 Chappell, James M	Y
	PUBDEF Public Defender	Y
	003374 Brooks, Howard S.	Y

Mr. Brooks advised Ms. Silver cannot be here, however, they have agreed that this motion can be heard on September 11 with the other motions, with the same briefing schedule. State accepted Mr. Brooks representations and advised, if Ms. Silver wants this motion on before then, she can place it on calendar. COURT ORDERED, matter CONTINUED to September.

CUSTODY

CONTINUED TO: 09/11/96 09:00 AM 01

07/15/96 09:00 AM 00 STATE'S MOTION TO ENDORSE NAMES ON
INFORMATION

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: LORI BROWN, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004515 Tobiasson, Melanie A.	Y
	0001 D1 Chappell, James M	Y
	PUBDEF Public Defender	Y
	003374 Brooks, Howard S.	Y

There being no opposition, COURT ORDERED, motion GRANTED. Order signed and FILED IN OPEN COURT this date.

CUSTODY

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 004

09/04/96 09:00 AM 00 ALL PENDING MOTIONS 9-4-96

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: LORI BROWN, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003231 Chrysanthis, Alexandra C.	Y
	0001 D1 Chappell, James M	Y
	PUBDEF Public Defender	Y
	003374 Brooks, Howard S.	Y

DEFT'S MOTION TO COMPEL EXAMINATION OF DEFT BY OPTOMETRIST...STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD ACTS

As to the Deft's Motion to Compel Examination of Deft. by Optometrist: Mr. Brooks advised that deft. wants glasses, and the jail will comply with a court order. Matter submitted by the State. COURT ORDERED, motion GRANTED. As to the State's Motion to Endorse Names on Information: Mr. Brooks advised that he objects to same, but will try to investigate the names endorsed by the time set for trial. The Court noted that the trial is set one month from now, and he is concerned that this motion may compromise the trial date. Ms. Chrysanthis advised that defense counsel was already aware of the State's motion regarding prior bad acts, the basis for said endorsements; and suggested that the Court reserve ruling until that motion is heard. Mr. Brooks advised that he is concerned with the number of people from Tucson. COURT ORDERED, motion GRANTED; and noted that if the State's motion regarding prior bad acts is denied, then a good portion of this order will become moot. The Court suggested that Ms. Chrysanthis ask Ms. Silver to notify defense counsel of the point people on said prior bad act. Mr. Brooks advised that Ms. Silver has agreed to CONTINUE the remaining motion, as well as those set for September 11, to September 16. COURT SO ORDERED. Order to Endorse Names on Information signed and FILED IN OPEN COURT this date.

CUSTODY

9-16-96 9:00 A.M. STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD ACTS...ARGUMENT: PRETRIAL MOTIONS

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

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09/16/96 09:00 AM 00 ALL PENDING MOTIONS 9-16-96

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: LORI BROWN, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
003813 Silver, Abbi
0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.Y
Y
Y
Y
Y

ARGUMENT: PRETRIAL MOTIONS...DEFT'S MOTION TO STRIKE ALLEGATIONS OF CERTAIN AGGRAVATING CIRCUMSTANCES ALLEGED...DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT...DEFT'S MOTION TO COMPEL DISCLOSURE OF ANY AND ALL INFO RE: AGGRAVATING FACTORS...DEFT'S MOTION TO COMPEL PETROCELLI HEARING...STATE'S MOTION TO ADMIT EVIDENCE OF CRIMES, WRONGS OR BAD ACTS...STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD ACTS

Mr. Brooks advised that he will be filing a motion to continue. Colloquy between Court and counsel as to same. COURT ORDERED, Deft's Motion to Continue will be heard one week from today. FURTHER, per stipulation of counsel, remaining matters CONTINUED two weeks.

CUSTODY

9-23-96 9:00 A.M. DEFT'S MOTION TO CONTINUE

9-30-96 9:00 A.M. ARGUMENT: PRETRIAL MOTIONS

09/23/96 09:00 AM 00 DEFT'S MOTION TO CONTINUE

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
003649 Kephart, William D.
0001 D1 Chappell, James M
PUBDEF Public Defender
003447 Immerman, Stephen M.Y
Y
Y
Y
Y

COURT ORDERED, matter OFF CALENDAR as the motion is being withdrawn.

CUSTODY

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

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09/25/96 09:00 AM 00 STATUS CHECK: TRIAL STATUS

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.Y
Y
Y
Y
Y

Mr. Brooks stated he believes this can be dealt with after the hearing on the motions on Monday. COURT ORDERED, matter OFF CALENDAR.

CUSTODY

09/30/96 09:00 AM 00 ALL PENDING MOTIONS 9-30-96

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
003813 Silver, Abbi
0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.Y
Y
Y
Y
Y
Y

ARGUMENT: PRETRIAL MOTIONS...DEFT'S MOTION TO STRIKE ALLEGATIONS OF CERTAIN AGGRAVATING CIRCUMSTANCES ALLEGED...DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT...DEFT'S MOTION TO COMPEL DISCLOSURE OF ANY AND ALL INFO RE: AGGRAVATING FACTORS...DEFT'S MOTION TO COMPEL PETROCELLI HEARING...STATE'S MOTION TO ADMIT EVIDENCE OF CRIMES, WRONGS OR BAD ACTS...STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD ACTS

Court advised he has read all the Points & Authorities in this case and is prepared to take oral argument. Mr. Brooks advised, as to the motions to admit evidence of other crimes, he would request they not be heard until after the Petrocelli hearing. COURT SO ORDERED. Ms. Silver advised she would really prefer the Court rule at this time. Court advised counsel of his inclinations on the motion and ORDERED, motion to compel Petrocelli hearing is GRANTED. Following arguments by counsel, Court stated his findings and ORDERED, motion to strike allegations of certain aggravating

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

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circumstances is DENIED and Court believes there is substantial evidence to go to the Jury; motion to strike notice of intent is DENIED. As to the Motion to Compel Disclosure of Any and All Info Re: Aggravating Factors, Ms. Silver advised their office has an open file policy and she has given Mr. Brooks everything they have. Upon Court's inquiry, Mr. Brooks advised they will be finished copying the jury questionnaires today. Court advised counsel to get those to Jury Services as soon as possible. COURT ORDERED, Motion to Admit Evidence of Other Crimes, Wrongs or Bad Acts is set for the day of trial at 11:00 a.m. and jury selection will begin that afternoon.

CUSTODY

10-7-96 11:00 AM STATE'S MOTION TO ADMIT EVIDENCE OF CRIMES, WRONGS OR BAD ACTS...STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD ACTS

10/02/96 09:00 AM 00 CALENDAR CALL

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
003813 Silver, Abbi

0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.

Y
Y

Y
Y
Y

Counsel announced ready for trial. COURT ORDERED, the Petrocelli hearing will be at 11:00 a.m. Monday morning and will start jury selection at 1:00 p.m. that afternoon.

CUSTODY

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

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10/07/96 11:00 AM 00 ALL PENDING MOTIONS 10-7-96

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
003813	Silver, Abbi	Y
0001 D1	Chappell, James M	Y
PUBDEF	Public Defender	Y
003374	Brooks, Howard S.	Y
003942	Ewing, Willard N.	Y

STATE'S SUPPLEMENTAL MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD ACTS...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD ACTS...DEFT'S MOTION IN LIMINE REGARDING EVENTS RELATED TO DEFT'S ARREST FOR SHOPLIFTING ON SEPTEMBER 1, 1995...DEFT'S MOTION IN LIMINE REGARDING DETAILS OF DEFT'S RELEASE FROM JAIL AND FACT THAT HE WAS ON PROBATION

Offer of proof made by Ms. Silver. Court's exhibits A-D offered and admitted per worksheet. Court inquired if the hearing is going to proceed with live testimony. Mr. Harmon advised they are making an offer of proof in lieu of testimony. Mr. Brooks advised his position is that the State has to present clear and convincing evidence by actual testimony and not by offer of proof. Argument by Mr. Brooks and advised deft. Chappell has offered a stipulation that he did kill the woman. Court advised the State has not accepted that stipulation at this time. Mr. Harmon advised this is all evidence of deft's motive and intent and it is their position that he intended to kill the victim when he was released from the County jail. Mr. Harmon advised they would accept deft's stipulation, but ask the Court to allow them to continue to offer the evidence as they have to convince the jury. Mr. Brooks objected and advised the pattern of domestic violence is highly inflammatory because it is character evidence. Further arguments by counsel. Court stated his findings and ORDERED, State's Motion and Supplemental Motion to Admit Evidence of Other Crimes, Wrongs or Bad Acts are GRANTED.

As to deft's motions, Mr. Harmon argued he believes the shoplifting is admissible as proof of motive and intent and as to deft's release from jail and that he was on probation, the Jury does not need to know that, however, they do need to know he was in custody as the State has letters that were written while deft. was in a custodial status; deft. was in jail for domestic violence. Court FINDS the fact that deft. was in custody and released is probative, however, why deft. was in custody does not need to be known and ORDERED, Deft's Motion in Limine Regarding Details of Deft's Release From Jail and Fact That He Was on Probation is GRANTED IN PART. Mr. Harmon advised the State will stipulate deft. was in custody for domestic

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

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violence and that he was released in the morning of August 31, 1995, and was to report to law enforcement at 1:30 p.m. that date and did not report. Mr. Brooks advised he would like to think about that stipulation. Court advised he will allow that evidence in absence of a stipulation. Further argument by Mr. Brooks as to the motion in limine re the shoplifting charge. COURT ORDERED, RULING DEFERRED as to this motion. As to the stipulation currently on file, COURT ORDERED, the State may read that in their opening statement if they wish. Court advised we will start jury selection at 1:30 p.m. today and go to about 6:00 p.m. Court advised he has cleared his civil calendar tomorrow except for one matter. Colloquy between Court and counsel as to a starting time tomorrow. COURT ORDERED, this matter will proceed at 9:15 a.m. tomorrow morning. Court stated he has advised counsel there will be no proceedings for the next two Wednesdays. Counsel acknowledged.

CUSTODY

10/07/96 01:30 PM 00 TRIAL BY JURY

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH / DANI ANTONACCI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	003813 Silver, Abbi	Y
	0001 D1 Chappell, James M	Y
	PUBDEF Public Defender	Y
	003374 Brooks, Howard S.	Y
	003942 Ewing, Willard N.	Y

1:58 P.M.--PATSY SMITH, COURT REPORTER. Introductions by Court and counsel. Clerk called roll of prospective jurors 401-480. Voir dire oath administered. Preliminary instructions read by the Court. Jury selection proceeded.

2:35 P.M.--DANI ANTONACCI, COURT REPORTER. Jury selection continued. Jurors 481-550 waiting in Jury Services excused for the evening at 4:00 p.m. to return at 2:00 p.m. tomorrow afternoon. Jurors 445-480 admonished and excused for the evening at 5:08 p.m. to return at 8:30 a.m. tomorrow morning. 8 jurors seated for cause admonished and excused for the evening at 5:08 p.m. to return at 2:00 p.m. tomorrow afternoon. 6 jurors seated for cause admonished and excused for the evening at 5:53 p.m. to return at 2:00 p.m. tomorrow afternoon. 4 additional jurors seated for cause admonished and excused for the evening at 6:20 p.m. to return at 2:00 p.m. tomorrow afternoon. Court adjourned at 6:21 p.m.

CUSTODY

CONTINUED TO: 10/08/96 08:30 AM 01

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PRINT DATE: 05/14/07

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MINUTES DATE: 10/07/96

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

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10/08/96 08:30 AM 01 TRIAL BY JURY

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
 PATSY SMITH / LISA BRENSKE, Reporter/Recorder

PARTIES: STATE OF NEVADA
 000862 Harmon, Melvyn T.
 003813 Silver, Abbi
 0001 D1 Chappell, James M
 PUBDEF Public Defender
 003374 Brooks, Howard S.
 003942 Ewing, Willard N.

Y
 Y
 Y
 Y
 Y
 Y
 Y

8:42 A.M.--PATSY SMITH, COURT REPORTER. Jury selection continued. OUTSIDE THE PRESENCE OF THE JURY, Court stated immediately following the voir dire of Mr. Fittro, the Court inquired of defense counsel why they did not voir dire this juror as to the victim and deft. being of different ethnicity as he had indicated in his questionnaire that it may be a problem and Mr. Brooks advised that issue cuts both ways and he had made a tactical decision not to go into that further. Mr. Brooks concurred. Prospective jurors present and jury selection continued. 13 jurors qualified for cause admonished and excused for the lunch recess at 11:17 a.m. to return at 2:00 p.m. this afternoon.

2:14 P.M.--LISA BRENSKE, COURT REPORTER. Introductions by counsel. Clerk called roll of jurors 481-550; voir dire oath administered. Preliminary instructions read by the Court. Jury selection continued. 3:56 p.m.--36 prospective jurors qualified for cause. OUTSIDE THE PRESENCE OF THE JURY, alternate positions selected by lot. 4:20 p.m.--Court thanked and excused the excess jurors. Peremptory challenges exercised pursuant to the Arizona method. OUTSIDE THE PRESENCE OF THE JURY, Mr. Brooks objected to two of the State's peremptory challenges as they have kicked off the only two African-Americans on the panel. Mr. Harmon advised both prospective jurors were equivocal on the death penalty. Following arguments by counsel, Court stated he FINDS the reason for the challenges is race neutral. Whether minorities are being excused because of their stand on capital punishment and whether captial punishment is being given more often to minorities has not been reached by the Supreme Court and is a matter for future courts. COURT ORDERED, OBJECTIONS OVERRULED. 4:50 p.m.--Court advised the names of the jurors selected and thanked and excused the remaining prospective jurors. Court admonished the Jury and excused them for the evening at 5:02 p.m. to return at 10:00 a.m. Thursday morning. Court adjourned.

CUSTODY

CONTINUED TO: 10/10/96 10:00 AM 02

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

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10/10/96 10:00 AM 02 TRIAL BY JURY

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH / MARCIA LEONARD, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
000862	Harmon, Melvyn T.	Y
003813	Silver, Abbi	Y
0001 D1	Chappell, James M	Y
PUBDEF	Public Defender	Y
003374	Brooks, Howard S.	Y
003942	Ewing, Willard N.	Y

10:19 A.M.--PATSY SMITH, COURT REPORTER. OUTSIDE THE PRESENCE OF THE JURY, Mr. Brooks advised the Court has made certain rulings, but he would still have an objection and requested a continuing objection. COURT SO ORDERED. Mr. Brooks advised, as a matter of trial tactics, they will be taking a course that will contest and oppose prior bad acts evidence, however, they are not going to contest that these acts occurred. Mr. Harmon advised defense counsel offered to stipulate on the record earlier to certain things and they have prepared a formal Stipulation and requested same be filed in open court. Stipulation to Certain Facts FILED IN OPEN COURT. 10:24 a.m.--Jury present. Court read pre-trial instructions to the Jury. Information read by the Clerk. Opening statements by counsel. Jury admonished and excused for lunch at 11:51 a.m. to reconvene at 1:30 p.m. OUTSIDE THE PRESENCE OF THE JURY, Mr. Brooks advised during opening statements Ms. Silver argued facts to the Jury which have not been admitted into evidence and moved for a mistrial. COURT ORDERED, motion DENIED. Court adjourned at 11:53 a.m. 1:42 p.m.--Counsel stipulated to the presence of the Jury. Testimony and exhibits presented. (See worksheets.)

2:29 P.M.--MARCIA LEONARD, COURT REPORTER. Further testimony and exhibits. Court admonished the Jury and excused them for the evening at 5:43 p.m. to return at 9:15 a.m. tomorrow morning.

CUSTODY

CONTINUED TO: 10/11/96 09:15 AM 03

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

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10/11/96 09:15 AM 03 TRIAL BY JURY

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH / MARCIA LEONARD, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	003813 Silver, Abbi	Y
	0001 D1 Chappell, James M	Y
	PUBDEF Public Defender	Y
	003374 Brooks, Howard S.	Y
	003942 Ewing, Willard N.	Y

9:37 A.M.--PATSY SMITH, COURT REPORTER. Deft's Motion to Dismiss All Charges Based on the State's Violation of the Equal Protection Clause of the Fourteenth Amendment FILED IN OPEN COURT. Mr. Brooks argued the State's charging practices are biased and they are seeking the death penalty in this case where a black killed a white, however, in two other cases he has, one where a white man killed a white man and another where a Thai killed a Thai, no death penalty was sought and the fact patterns are almost identical. Ms. Silver advised she recently prosecuted a case where a black man killed a black woman and the death penalty was sought and obtained. The District Attorney's office has a panel that decides which are death cases; the decision is not made unilaterally by one person. Arguments by counsel as to African/Americans that were excused or challenged off the Jury. Court stated he feels the current practice of selecting jurors is about as race neutral as it can be, it is based on persons who have driver's licenses. Court advised there is no question in this case that the victim is Caucasian and the deft. is African/American, however, at this point there is insufficient foundation and ORDERED, motion DENIED. 10:05 a.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented per worksheets. 10:43 a.m.--OUTSIDE THE PRESENCE OF THE JURY, Mr. Harmon advised his next three witnesses will relate to the detention of the deft. at a Lucky's Food Store on September 1, 1995, in the early afternoon and made an offer of proof. Argument in opposition by Mr. Brooks. Court stated his findings and ORDERED, this testimony will be ALLOWED. Mr. Brooks requested a continuing objection as to anything reference the shoplifting. COURT SO ORDERED and advised Mr. Brooks need not object in front of the Jury. 11:02 a.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented. Jury admonished and excused for the lunch recess at 11:55 a.m. OUTSIDE THE PRESENCE OF THE JURY, Court advised, as to the evidence of shoplifting, one of the defense theories is this was a crime committed in the heat of passion and the shoplifting evidence is evidence that deft. felt no remorse and went on with the everyday activities of his life. Court adjourned at 11:57 a.m.

1:45 P.M.--MARCIA LEONARD, COURT REPORTER. Counsel stipulated to the

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CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 013

presence of the Jury. Further testimony and exhibits presented. 2:20 p.m.-- COURT ORDERED, the minutes of this Court will reflect this Court's pride and affection for Ms. Jennifer Newton-Taylor, Mr. Bryan Sims and Ms. Madeline Diekmann all of whom have served as this Court's law clerks here in Department VII of the Eighth Judicial District and all of whom received notice of their passing grades on the Nevada Bar Exam this 11th day of October 1996. Further testimony and exhibits presented. 3:08 p.m.--OUTSIDE THE PRESENCE OF THE JURY, COURT ORDERED, the record will reflect deft. does have shoes and socks on, though when one of the witnesses was describing him he had his shoes off. Further, Court stated his findings as to the state-of-mind exception to hearsay and requested the State prepare the appropriate limiting instruction. Mr. Brooks stated his position is the state of mind of the victim is not relevant. COURT ORDERED, Mr. Brooks will be allowed a continuing objection. 3:42 p.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented. Mr. Harmon stated, as the Court is well aware, counsel have entered into certain stipulations and would like to make the Jury aware of those at this time. COURT ORDERED, counsel may read the stipulation into the record as part of their case-in-chief. Mr. Harmon advised the Jury as to deft's times in jail for domestic violence and that, as to exhibits 69-73, counsel have stipulated that the handwriting on those papers is NOT that of deft., but that the ones signed "James" or "James Chappell" are in deft's handwriting. Mr. Harmon read a written stipulation into the record. COURT ORDERED, Court officially accepts all stipulations recited and the Jury is advised they are evidence in this case. Further testimony and exhibits presented. Court admonished the Jury and excused them for the weekend at 5:02 p.m. to return at 10:30 a.m. Monday morning.

CUSTODY

CONTINUED TO: 10/14/96 11:00 AM 04

CONTINUED ON PAGE: 015

PRINT DATE: 05/14/07

PAGE: 014

MINUTES DATE: 10/11/96

04657

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 014

10/14/96 11:00 AM 04 TRIAL BY JURY

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH / LISA BRENSKE, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000862 Harmon, Melvyn T.	Y
	003813 Silver, Abbi	Y
	0001 D1 Chappell, James M	Y
	PUBDEF Public Defender	Y
	003374 Brooks, Howard S.	Y
	003942 Ewing, Willard N.	Y

11:30 A.M.--PATSY SMITH, COURT REPORTER. OUTSIDE THE PRESENCE OF THE JURY, Mr. Harmon advised of problems with their Cellmark witnesses and moved to endorse Thomas Wahl from LVMPD who is familiar with Cellmark's work. No objection by Mr. Brooks. COURT ORDERED, motion GRANTED. Order signed in open court. Motion to Endorse Names on Information and Order FILED IN OPEN COURT. 11:37 a.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented per worksheets. Jury admonished and excused for the lunch recess at 12:03 p.m. 1:45 p.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits. State rested at 2:35 p.m.

2:37 P.M.--LISA BRENSKE, COURT REPORTER. OUTSIDE THE PRESENCE OF THE JURY, Deft. Chappell advised of his right to testify or not testify. 2:42 p.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented. Court admonished the Jury and excused them for the evening at 6:10 p.m. to return at 10:00 a.m. tomorrow morning. Off the record at 6:11 p.m.

CUSTODY

CONTINUED TO: 10/15/96 10:00 AM 05

CONTINUED ON PAGE: 016

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 015

10/15/96 10:00 AM 05 TRIAL BY JURY

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
CYNTHIA NAVARETTE-LORY, Relief Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
003813 Silver, Abbi

0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.
003942 Ewing, Willard N.

Y
Y
Y

Y
Y
Y
Y

10:39 A.M.--TINA HURD, COURT CLERK. Counsel stipulated to the presence of the Jury. Testimony by Dr. Louis Etcoff presented. Defense rested. No rebuttal by the State. Court admonished the Jury and excused them for the lunch recess at 12:26 p.m. to return at 2:15 p.m. Court directed counsel to return at 1:45 p.m. to settle instructions.

2:05 P.M.--Instructions settled on the record in chambers OUTSIDE THE PRESENCE OF THE JURY. 2:30 p.m.--Counsel stipulated to the presence of the Jury. Court instructed the Jury. Closing arguments by Mr. Harmon and Mr. Brooks.

4:55 P.M.--CYNTHIA NAVARETTE-LORY, COURT CLERK. Closing argument by Ms. Silver. Juror #5-Wells advised both of her children have been tested by Dr. Etcoff. Juror canvassed by the Court. Court FINDS there is no reason Ms. Wells cannot sit on the Jury. At the hour of 6:02 p.m. this date, Jury retired to deliberate.

7:00 P.M.--Jury admonished and excused for the evening at 7:00 p.m. to return at 8:30 a.m. tomorrow morning to continue deliberations.

CUSTODY

CONTINUED TO: 10/16/96 08:30 AM 06

CONTINUED ON PAGE: 017

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 016

10/16/96 08:30 AM 06 TRIAL BY JURY

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.
003942 Ewing, Willard N.Y
Y
Y
Y
Y
Y

Jury retired to continue deliberations at 8:30 a.m. this date.

At the hour of 3:35 p.m. this date, Jury returned with VERDICTS of: GUILTY OF COUNT I - BURGLARY (F), GUILTY OF COUNT II - ROBBERY WITH USE OF A DEADLY WEAPON (F) and GUILTY OF COUNT III - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F). Jury polled at the request of the Court. COURT ORDERED, matter set for penalty hearing. Court admonished the Jury and excused them for the day at 3:39 p.m. to return at 11:00 a.m. Monday morning for the penalty hearing. COURT FURTHER ORDERED, deft. CHAPPELL REMANDED TO CUSTODY TO BE HELD WITHOUT BAIL.

CUSTODY

10-21-96 11:00 AM PENALTY HEARING

10/21/96 11:00 AM 00 PENALTY HEARING

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH / CONNIE MCCARTHY, Reporter/RecorderPARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
003813 Silver, Abbi
0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.
003942 Ewing, Willard N.Y
Y
Y
Y
Y
Y
Y

11:11 A.M.--PATSY SMITH, COURT REPORTER. Mr. Ewing advised he wishes to make one motion prior to the Jury coming in. Mr. Ewing stated he understands the State is going to have more hearsay testimony and he would

CONTINUED ON PAGE: 018

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 017

like a continuing objection. Court advised the hearsay testimony is admissible in the penalty hearing, however, counsel may have their continuing objection. 11:13 a.m.--Counsel stipulated to the presence of the Jury. Opening statements by counsel. Testimony and exhibits presented. (See worksheets.)

2:33 P.M.--CONNIE MCCARTHY, COURT REPORTER. Further testimony and exhibits presented. Court admonished the Jury and excused them for the evening at 5:11 p.m. to return at 10:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Juror #3-Gritis present and admonished to make every effort to be here on time. Juror Gritis excused for the evening. Mr. Brooks moved to strike the testimony of Lisa Duran and Mike Pollard and moved for a mistrial of the guilt phase based on the State's willful failure to present conflicting evidence. Mr. Brooks advised his position is that Pollard's testimony was essential at the Petrocelli hearing as it brings Duran's credibility into question and the State had a duty to have Pollard testify during the guilt phase. Mr. Harmon stated he believes they are at liberty to engage in certain trial tactics; Mike Pollard was not a mystery to anyone at the preliminary hearing as Lisa Duran referred to him. Further, Pollard was listed as a potential witness on the Information and the defense had the same opportunity to interview him as anyone else. Mr. Harmon advised Pollard was originally on their list of witnesses to be served and was not contacted for some reason prior to the guilt phase. Mr. Harmon advised they did not formally interview Mike Pollard until after the guilt phase. Mr. Harmon argued, just because one witness contradicts another, their testimony is not vulnerable to a motion to strike. Court stated he believes that Brady does not compel the State to put on consistent testimony and, in this case, the time frames described by witnesses are inexact and the Jury has been allowed to decide this case based on the evidence before it. This witness was mentioned at the preliminary hearing and his name was endorsed on the Information and defense counsel could have interviewed him. Based on the totality of the evidence, this does not create an ineffective assistance of counsel. COURT ORDERED, motion DENIED.

CUSTODY

CONTINUED TO: 10/22/96 10:00 AM 01

CONTINUED ON PAGE: 019

PRINT DATE: 05/14/07

PAGE: 018

MINUTES DATE: 10/21/96

04661

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 018

10/22/96 10:00 AM 01 PENALTY HEARING

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
003813	Silver, Abbi	Y
0001 D1	Chappell, James M	Y
PUBDEF	Public Defender	Y
003374	Brooks, Howard S.	Y
003942	Ewing, Willard N.	Y

10:43 A.M.--OUTSIDE THE PRESENCE OF THE JURY, Mr. Brooks advised deft. has asked if they can get exhibit 66 and make a color copy of it over the lunch hour and bring it back. No objection by the State. COURT ORDERED, GRANTED.

10:45 a.m.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented per worksheets. 11:19 a.m.--State rested. OUTSIDE THE PRESENCE OF THE JURY, Court advised deft. of his right to testify or not testify and his right to allocution. Mr. Ewing moved for a mistrial based on the State's misuse of the penalty hearing process as the State did not discuss aggravators and presented character evidence. Further arguments by counsel. Court stated, in his view, the State managed to put on their case and convince the Jury of First Degree Murder without evidence that does not enjoin the protection of the hearsay rule during trial. Court stated he is confident the evidence thus far has been acceptable with the standards for a penalty hearing and ORDERED, motion DENIED. 11:29 a.m.--Counsel stipulated to the presence of the Jury. Testimony of William Moore presented. Jury admonished and excused for lunch at 11:57 a.m. Per the Court's order, exhibit 66 released to Mr. Brooks.

2:02 P.M.--Counsel stipulated to the presence of the Jury. Further testimony and exhibits presented. Statement in allocution made by deft. 2:15 p.m.--Defense rested. State advised they have no rebuttal. OUTSIDE THE PRESENCE OF THE JURY, conference at the bench. Instructions settled on the record. 2:35 p.m.--Counsel stipulated to the presence of the Jury. Court instructed the Jury. Closing arguments by Ms. Silver and Mr. Brooks. Court advised the closing arguments of defense counsel will be split and Mr. Ewing will be heard tomorrow, as well as Mr. Harmon. Court admonished the Jury and excused them for the evening at 4:26 p.m. to return at 11:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Mr. Ewing moved for a mistrial based on statements by Ms. Silver in closing arguments as prosecutorial misconduct as she told jurors deft. was judge, jury and executioner of the victim and asked the Jury to show the same mercy to deft. he showed to the victim. Mr. Harmon argued they are entitled to fervently argue their position and are given broad latitude. Mr. Harmon argued it was simply a rhetorical approach and has been used many times. Mr. Ewing

CONTINUED ON PAGE: 020

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 019

advised he can submit Points & Authorities. Court advised he will allow Mr. Ewing to do that, however, the Court will make his ruling at this time. Court stated the line between proper and improper advocacy can be hard to discern and, because of the nature of this case, the Court believes it is proper rhetoric and ORDERED, motion for mistrial DENIED. Court adjourned at 4:30 p.m.

CLERK'S NOTE: Exhibit 66 returned to the Clerk after the lunch hour. th

CUSTODY

CONTINUED TO: 10/23/96 11:00 AM 02

10/23/96 11:00 AM 02 PENALTY HEARING

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000862	Harmon, Melvyn T.	Y
003813	Silver, Abbi	Y
0001 D1	Chappell, James M	Y
PUBDEF	Public Defender	Y
003374	Brooks, Howard S.	Y
003942	Ewing, Willard N.	Y

11:25 A.M.--Counsel stipulated to the presence of the Jury. COURT ORDERED, Juror #1-Ms. Lucido has been excused from jury service as the Court received notice this morning that she sustained a death in her family and wishes to go to the Phillipines to attend the funeral. Counsel concurred in the Court's ruling. Closing arguments by Mr. Ewing and Mr. Harmon. At the hour of 1:23 p.m. this date, Jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY, Mr. Ewing submitted Points & Authorities as to his objection yesterday that the Court has already ruled on. Court reviewed the document and stated he believes that each incident of misconduct in the arguments has to be individually considered and FINDS the case cited, Lesko vs Lehman, is distinguishable from this case, however, the Court will make the document part of the record.

Jury admonished and excused for the evening at 5:55 p.m. to return at 9:00 a.m. tomorrow morning to continue deliberations.

CUSTODY

CONTINUED TO: 10/24/96 08:45 AM 03

CONTINUED ON PAGE: 021

PRINT DATE: 05/14/07

PAGE: 020

MINUTES DATE: 10/23/96

04663

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 020

10/24/96 08:45 AM 03 PENALTY HEARING

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
003813 Silver, Abbi

0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.

Y
Y
Y

Y
Y
Y

At the hour of 9:00 a.m. this date, Jury retired to continue deliberations.

10:13 A.M.--In chambers, OUTSIDE THE PRESENCE OF THE JURY. Deft's presence waived. Court advised the Jury has presented a written question and read same into the record. Court advised the parties have agreed the Court may read to the Jury a supplemental instruction and leave it with the Jury. Court read Supplemental Instruction #1 into the record and advised he will read it to the Jury off the record and leave it with them. 10:32 a.m.-- Court read the supplemental instruction to the Jury and alternates in the jury room, off the record. Jury continued deliberations.

2:27 P.M.--Counsel stipulated to the presence of the Jury. Court read the verdict and special verdicts into the record. At the hour of 2:27 p.m. this date, Jury returned with a VERDICT OF DEATH. Jury polled at the request of Mr. Brooks. Court thanked and excused the Jury at 2:34 p.m. COURT ORDERED, matter set for sentencing.

CUSTODY

12-11-96 9:00 AM SENTENCING

CONTINUED ON PAGE: 022

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 021

12/11/96 09:00 AM 00 SENTENCING

HEARD BY: Michael P Gibbons, Visiting Judge; Dept. MGIB

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
003813 Silver, Abbi
0001 D1 Chappell, James M
PUBDEF Public Defender
003374 Brooks, Howard S.Y
Y
Y
Y
Y

Robert Lawson of the Division of Parole & Probation present. State advised she spoke with the Court's secretary and did bring down witnesses, however, after conferring with the victim's family, she would request sentencing be continued for Judge Maupin to hear. Mr. Brooks moved sentencing go forward today. COURT ORDERED, matter CONTINUED to December 30.

CUSTODY

CONTINUED TO: 12/30/96 09:00 AM 01

12/30/96 09:00 AM 01 SENTENCING

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA

Y

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

CONTINUED ON PAGE: 023

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 022

in open court.

NDP

11/08/99 09:00 AM 00 STATE'S MOTION TO APPOINT COUNSEL FOR
CAPITAL MURDER DEFT TO HELP VL 11-12-99

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk
JOSEPHINE BOHN/jb, Relief Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA
003801 Robinson, Lynn M.

Y
Y

Court stated there is a conflict with the Special Public Defender's office and attempts to reach Jonelle Thomas for appointment has been unsuccessful. Court stated it would continue to try to contact Ms. Thomas and ORDERED, matter CONTINUED.

NDP

CONTINUED TO: 11/16/99 09:00 AM 01

11/15/99 09:00 AM 00 STATE'S MOTION TO APPOINT COUNSEL FOR
CAPITAL MURDER DEFT TO HELP PREPARE SUPP

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: JOSEPHINE BOHN, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
000102 Bowman, Clinton D.
0001 D1 Chappell, James M
000824 Schieck, David M.
PUBDEF Public Defender
003374 Brooks, Howard S.

Y
Y
N
Y
Y
Y

COURT ORDERED, motion GRANTED; DAVID SCHIECK APPOINTED and CONFIRMED AS COUNSEL OF RECORD. FURTHER ORDERED, Public Defender to include work product in file released to Mr. Schieck. Mr. Schieck requested a status check in 30 days and, COURT SO ORDERED.

NDP

CONTINUED ON PAGE: 024

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 023

12/15/99 9:00 AM STATUS CHECK

12/15/99 09:00 AM 00 STATUS CHECK

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
005927 De La Garza, Melisa
0001 D1 Chappell, James M
004349 Oram, Christopher R.Y
Y
N
Y

Mr. Oram advised Mr. Schieck has received a great deal of the file from Mr. Brooks and requested another 30 days. No objection by the State. COURT ORDERED, matter CONTINUED.

NDP

CONTINUED TO: 01/19/00 09:00 AM 01

01/19/00 09:00 AM 01 STATUS CHECK

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk
AMBER FARLEY/AF, Relief Clerk
RENEE SILVAGGIO, Reporter/RecorderPARTIES: STATE OF NEVADA
006088 Peterson, Clark A.
0001 D1 Chappell, James M
000824 Schieck, David M.Y
Y
N
Y

Mr. Schieck stated he has received the files from Mr. Brooks and requested thirty days and a briefing schedule. COURT SO ORDERED; briefing schedule set as follows:

4/19/00 Defendant's brief due
5/19/00 State's response due
6/12/00 Defendant's reply due

and matter set for hearing.

NDP

CONTINUED ON PAGE: 025

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 024

6/27/00 9:00 AM HEARING

06/27/00 09:00 AM 00 HEARING: WRIT (VJ 5/1/01)

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: AMBER FARLEY/AF, Court Clerk
GREER JENNISON, Relief Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
000677 Hawley, Lawrence E.
006056 Bauer, Elizabeth B.

0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
Y

N
Y

Court stated it hasn't received any briefs on this matter. Mr. Schieck advised the Court he has been involved in two capital cases in the past couple of months and hasn't had time to communicate with Defendant nor prepare the breifis; requested a continuance. COURT ORDERED, matter CONTINUED; briefing schedule set as follows:

Opening due by 8/28/00
Response due by 9/25/00
Reply due by 10/30/00

and hearing on the Writ CONTINUED.

NDP

CONTINUED TO: 11/06/00 10:30 AM 01

11/06/00 10:30 AM 01 HEARING: WRIT (VJ 5/1/01)

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: Amber Farley, Court Clerk
Renee Silvaggio, Reporter/Recorder

PARTIES: STATE OF NEVADA
003801 Robinson, Lynn M.

0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y

N
Y

Mr. Schieck requested the briefing schedule be reset and advised he is ready to file his motion, but needs to go to Ely to have the Defendant sign it. COURT ORDERED, briefing schedule reset as follows:

CONTINUED ON PAGE: 026
MINUTES DATE: 11/06/00

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 025

OPENING due by Dec. 4, 2000
RESPONSE due by Jan. 8, 2001
REPLY due by Feb. 5, 2001

Hearing date CONTINUED.

NDP

CONTINUED TO: 02/12/01 10:30 AM 02

02/12/01 10:30 AM 02 HEARING: WRIT (VJ 5/1/01)

HEARD BY: Kathy Hardcastle, Chief Judge; Dept. 4

OFFICERS: JENNIFER LOTT, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
005144 Sweetin, James R.
0001 D1 Chappell, James M
000824 Schieck, David M.

N
Y

N
Y

Mr. Schieck requested a 30 day continuance to submit supplemental points and authorities. Additional witnesses were named by defendant. COURT ORDERED, supplemental brief TO BE FILED by 3/13/01; response TO BE FILED by 4/27/01; reply TO BE FILED by 5/15/01; matter CONTINUED for argument.

NDP

CLERK'S NOTE: Dates of response and argument were MOVED as they were not scheduled on judicial court days.

CLERK'S NOTE: A copy of this Minute Order to be placed in the attorney folders of Mr. Sweetin and Mr. Schieck.

CONTINUED TO: 05/24/01 10:30 AM 03

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 026

05/01/01 09:00 AM 00 STATE'S MOTION TO PLACE ON CALENDAR

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: AMBER FARLEY/AF, Court Clerk
APRIL WATKINS, Relief Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES: STATE OF NEVADA
004739 Rutledge, Brian S.
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

Counsel appeared prior to calendar and requested matter be set on 6/12 for a status check.

Mr. Sweetin, DDA, present when case called. Mr. Schieck stated the Writ is prepared but not filed, and he needs to go to Ely to have the Defendant sign the verified copy. Mr. Schieck requested the matter set for a status check on 6/12. COURT SO ORDERED; 5/24/01 hearing date VACATED.

NDP

6/12/01 9:00 AM STATUS CHECK: BRIEFING SCHEDULE

06/12/01 09:00 AM 00 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Mark Gibbons, Chief Judge

OFFICERS: TINA HURD, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
000411 Simon, H. L.
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

Mr. Schieck advised he needs another 30 days as he could not get the document executed and advised he has had problems with the Prison on another case where they would not let him see his client. COURT ORDERED, matter CONTINUED.

NDP

CONTINUED TO: 07/17/01 09:00 AM 01

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 027

07/17/01 09:00 AM 01 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: JOYCE BROWN, Court Clerk
KRISTEN BROWN/kb, Relief Clerk
CAT NELSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
005144 Sweetin, James R.

Y

Y

COURT ORRDERED, matter CONTINUED for Mr. Schiek's presence.

NDC

CONTINUED TO: 07/19/01 09:00 AM 02

07/19/01 09:00 AM 02 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: AMBER FARLEY, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005927 De La Garza, Melisa
0001 D1 Chappell, James M
004349 Oram, Christopher R.

Y

Y

N

Y

Mr. Oram requested matter be continued for Mr. Schieck's presence. COURT SO ORDERED.

NDC

CONTINUED TO: 07/26/01 09:00 AM 03

CONTINUED ON PAGE: 029

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 028

07/26/01 09:00 AM 03 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
007409 Kosewicz, Cheryl L.
0001 D1 Chappell, James M
000824 Schieck, David M.Y
Y
N
Y

Mr. Schieck advised this was a capital case; he had four other cases and asked for a status check in September. COURT ORDERED matter CONTINUED to September 13th.

NDC

CONTINUED TO: 09/13/01 09:00 AM 04

09/13/01 09:00 AM 04 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: AMBER FARLEY/AF, Court Clerk
KEITH REED, Relief Clerk
Cat Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
006612 Cram, Roger
0001 D1 Chappell, James M
000824 Schieck, David M.Y
Y
N
Y

Mr. Schieck stated he needs an additional forty-five days to file the full supplemental, as he needs to travel to Ely. Mr. Cram noted the State's objection, as this matter has been continuing since 1999. MATTER CONTINUED.

NDC

CONTINUED TO: 11/01/01 09:00 AM 05

CONTINUED ON PAGE: 030

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA vs Chappell, James M
CONTINUED FROM PAGE: 029

11/01/01 09:00 AM 05 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Joyce Brown/jb, Court Clerk
Denise Husted, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006316 Goettsch, Becky S.	Y
	0001 D1 Chappell, James M	N
	000824 Schieck, David M.	Y

Mr. Schieck advised he still had not filed a supplemental and he had not been to Ely. COURT ORDERED matter CONTINUED.

NDC

CKERK'S NOTE: The date given in Court was for a Saturday; it was changed to December 13; Mr. Schieck and Ms. Goettsch notified of the date change.
11-01-01/JB

CONTINUED TO: 12/13/01 09:00 AM 06

12/13/01 09:00 AM 06 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Joyce Brown/jb, Court Clerk
Cheryl Case, Relief Clerk
Carrie Hansen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006316 Goettsch, Becky S.	Y
	0001 D1 Chappell, James M	N
	000824 Schieck, David M.	Y

Mr. Schieck advised he was trying to catch up after being in trials and would like more time. COURT ORDERED matter CONTINUED.

NDC

CONTINUED TO: 02/05/02 09:00 AM 07

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA vs Chappell, James M

CONTINUED FROM PAGE: 030

02/05/02 09:00 AM 07 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
002805 Wall, David T.
0001 D1 Chappell, James M
000824 Schieck, David M.Y
Y
N
Y

Mr. Schieck advised he needed another thirty days on the petition and he still had not been to Ely. COURT ORDERED matter CONTINUED as requested.

NDC

CONTINUED TO: 03/05/02 09:00 AM 08

03/05/02 09:00 AM 08 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Amber Farley, Relief Clerk
Cat Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
002805 Wall, David T.
0001 D1 Chappell, James M
000824 Schieck, David M.Y
Y
N
Y

Mr. Schieck stated he has the supplement ready, and needs to go to Ely to have the Defendant sign it. Mr. Schieck requested an additional three weeks. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 03/26/02 09:00 AM 09

CONTINUED ON PAGE: 032

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 031

03/26/02 09:00 AM 09 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Nora Pena, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006029 Lawson, Tamara F.	Y
	0001 D1 Chappell, James M	N
	000824 Schieck, David M.	Y

Mr. Schieck advised he was able to visit Ely and continue the trial in District Court 14 to January; he further requested 2 weeks to prepare. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 04/09/02 09:00 AM 10

04/09/02 09:00 AM 10 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Nora Pena, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007409 Kosewicz, Cheryl L.	Y
	0001 D1 Chappell, James M	N
	000824 Schieck, David M.	Y

Mr. Schieck stated he had an emergency and he didn't get to Ely but he is scheduled to be there next week and requested a continuance. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 04/18/02 09:00 AM 11

CONTINUED ON PAGE: 033

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 032

04/18/02 09:00 AM 11 STATUS CHECK: BRIEFING SCHEDULE

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Nora Pena, Court Clerk
Cat Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
005691 Kochevar, Brian J.
0001 D1 Chappell, James M
000824 Schieck, David M.Y
Y
N
Y

Mr. Schieck advised he has his supplement to Points and Authorities to be filed and he went to Ely but the deft. refused to visit so he will mail the paperwork to him and requested to set 60 days for the State to respond. Mr. Kochevar stated he will prepare the response. COURT ORDERED, Briefing schedule as follows: State to file response on 6/20/02, Defense to reply on 7/10/02 and matter set for Hearing.

NDC

7/22/02 9:00 AM HEARING: WRIT

07/25/02 09:00 AM 01 HEARING: WRIT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Nora Pena, Court Clerk
Jennifer Lott/jl, Relief Clerk
Cat Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
003801 Robinson, Lynn M.
0001 D1 Chappell, James M
000824 Schieck, David M.Y
Y
N
Y

Statement by Mr. Schieck regarding defendant's affidavit and list of witnesses; counsel argued there was no objection to witnesses, and attorneys should be put on the stand to determine if issue was a strategic plan or if it was an oversight. Mr. Schieck requested an evidentiary hearing regarding issue of witnesses and an attempt to show ineffective counsel. Argument by Ms. Robinson; objection by counsel to a hearing. Court indicated appropriate counsel need to be available for questioning so determination can be made regarding witness issue. COURT ORDERED, request for Evidentiary Hearing is GRANTED to see what the information indicates concerning witnesses; matter SET. Upon Court's inquiry, Mr. Schieck stated all counsel are local, and Mr. Schieck will prepare an order to transport defendant from Ely.

CONTINUED ON PAGE: 034

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 033

NDC

9/13/02 8:45 A.M. EVIDENTIARY HEARING

09/13/02 08:45 AM 00 EVIDENTIARY HEARING: DEFT'S PETITION FOR
WRIT OF HABEAS CORPUS

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Alan Castle, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
003801 Robinson, Lynn M.
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

Mr. Schieck stated the Petitioner requested not to be present for today's proceeding. Further, he will be supplementing with a waiver of Court's order of Petitioner/Defendant's request for transport. Testimony presented. (See worksheet.) Following witness testimony, Mr. Schieck moved to have witnesses testify as to what they would have said at trial, specifically the penalty phase. Objection by Ms. Robinson. Court DENIED request and ORDERED, Petitioner is allowed to SUPPLEMENT THE RECORD with affidavits from the witnesses. FURTHER ORDERED, set status check regarding affidavits to be included; and written waiver of Deft's presence.

10/1/02 9:00 AM STATUS CHECK: SUPPLEMENT TO THE RECORD

10/01/02 09:00 AM 00 STATUS CHECK: SUPPLEMENT TO THE RECORD

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: Nora Pena, Court Clerk
Liz Garcia, Reporter/Recorder

PARTIES: STATE OF NEVADA
005691 Kochevar, Brian J.
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

Mr. Schieck advised he needs to go to Michigan on November 7th & 8th, he requested a continuance for the first part of December and he will have affidavits filed. COURT ORDERED, matter CONTINUED.

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 034

NDC

CONTINUED TO: 12/03/02 09:00 AM 01

12/03/02 09:00 AM 01 STATUS CHECK: SUPPLEMENT TO THE RECORD

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Nora Pena, Court Clerk
Kristen Brown/kb, Relief Clerk
Cat Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
006088 Peterson, Clark A.
0001 D1 Chappell, James M
000824 Schieck, David M.Y
Y
N
Y

Mr. Schieck stated he has been to Michigan and will be submitting the affidavit's; still needs to go to Arizona to locate additional witnesses for their affidavit's and requested a CONTINUANCE to file all the affidavit's, COURT SO ORDERED.

NDC

1/21/03 9:00 AM STATUS CHECK: FILING OF AFFIDAVITS

01/21/03 09:00 AM 00 STATUS CHECK: FILING OF AFFIDAVIT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Nora Pena, Court Clerk
Sharon Chun/sc, Relief Clerk
Kit MacDonald, Reporter/RecorderPARTIES: STATE OF NEVADA
007480 Pate, Susan
0001 D1 Chappell, James M
000824 Schieck, David M.Y
Y
N
Y

Mr. Schieck requested a thirty day continuance, COURT SO ORDERED, CONTINUED.

NDC

CONTINUED TO: 02/25/03 09:00 AM 01

CONTINUED ON PAGE: 036
MINUTES DATE: 01/21/03

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 035

02/25/03 09:00 AM 01 STATUS CHECK: FILING OF AFFIDAVIT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Nora Pena, Court Clerk
Georgette Byrd/gb, Relief Clerk
Kit MacDonald, Reporter/Recorder

PARTIES: STATE OF NEVADA

004577 Coumou, Frank

Y

Y

0001 D1 Chappell, James M

N

000824 Schieck, David M.

Y

Mr. Schieck stated all the witnesses have signed their affidavits and returned them, however the witness in Arizona has disappeared and requested matter continued two weeks, COURT SO ORDERED.

NDC

CONTINUED TO: 03/11/03 09:00 AM 02

03/11/03 09:00 AM 02 STATUS CHECK: FILING OF AFFIDAVIT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Carole D'Aloia, Court Clerk
Kit MacDonald, Reporter/Recorder

PARTIES: STATE OF NEVADA

006088 Peterson, Clark A.

Y

Y

0001 D1 Chappell, James M

N

000824 Schieck, David M.

Y

Upon Court's inquiry, Mr. Schieck advised he has been able to secure the affidavits from Michigan and Arizona and requested matter be set for another hearing. Mr. Peterson concurred. Court advised it would like to give Mr. Peterson time to review the affidavits and, ORDERED, matter set for STATUS CHECK.

NDC

3/25/03 9:00 AM STATUS CHECK: STATE'S REVIEW OF AFFIDAVITS

CONTINUED ON PAGE: 037

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 036

03/25/03 09:00 AM 00 STATUS CHECK: STATE'S REVIEW OF
AFFIDAVITS

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Sharon Chun, Court Clerk
Kit MacDonald, Reporter/Recorder

PARTIES: STATE OF NEVADA
006088 Peterson, Clark A.
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

Mr. Peterson stated that Mr. Schieck has provided him with all affidavits and he has no particular objecting using the contents of the Affidavits. He requested the Court consider the possibility of bring in a witness for examination outside presence of jurors, if a witness' testimony is questionable. COURT ORDERED, briefing schedule SET as follows:

Deft's Opening Brief due 4/29/03;
State's Opposing Brief due 5/26/03;
Deft's Reply Brief due 6/18/03; and

HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) on
7/7/03 at 10:30 A.M.

NDC

7/7/03 10:30 AM HEARING

CLERK'S NOTE: Deft's Reply due date changed to 6/18/03.

CLERK'S NOTE 7/2/03sc: Hearing date changed FROM 7/7/03 TO 7/8/03 at 9:00
A.M. per stipulation of counsel.

CONTINUED ON PAGE: 038

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 037

07/08/03 09:00 AM 01 HEARING: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS (POST CONVICTION)

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Sharon Chun/sc, Court Clerk
Judy McFadden, Relief Clerk
Kit MacDonald, Reporter/Recorder

PARTIES: STATE OF NEVADA
007480 Pate, Susan
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

Mr. Schieck stated he needed one week to file his post-hearing brief. COURT
ORDERED, briefing schedule and hearing SET, as follows:

7/17/03 - Deft's Opening Brief Due;
8/19/03 - State's Response Due;
9/02/03 - Hearing

NDC

CONTINUED TO: 09/02/03 09:00 AM 02

09/02/03 09:00 AM 00 MINUTE ORDER RE: HEARING RE WRIT/44

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Sharon Chun, Court Clerk
Cindy Caldwell, Reporter/Recorder

PARTIES: STATE OF NEVADA
007480 Pate, Susan
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

Mr. Schieck appeared, stating that this matter had been continued by
Stipulation an Order, but, he was not aware that a date had been set yet.
COURT ORDERED, Deft's appearance WAIVED at this hearing and matter SET for
STATUS CHECK re hearing date on 10/21/03.

NDC

CLERK'S NOTE: No continuance date was yet recorded in the computer when
reviewed/sc.

CLERK'S NOTE 9/17/03-sc: The Stipulation and Order came through with the

CONTINUED ON PAGE: 039

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 038

date of 10/07/03 and entered into Blackstone by the Clerk's Office. After speaking to the Dept. XI Law Clerk, it was decided to VACATE the 10/21/03 status check date, since the hearing has been set. A copy of this minute order has been placed in the folders of the District Attorney and Mr. Schieck.

10/07/03 09:00 AM 03 HEARING: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS (POST CONVICTION)

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Sharon Chun, Court Clerk
Kit MacDonald, Reporter/Recorder

PARTIES: STATE OF NEVADA
006088 Peterson, Clark A.
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

Mr. Peterson stated he needs three weeks to respond. Mr. Schieck stated he will not need time to Reply.

COURT ORDERED, briefing schedule set, as follows:
State's Response due 10/28/03 and
Hearing set for 11/6/03 10:30 AM

NDC

11/6/03 10:30 AM HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST
CONVICTION)

11/06/03 10:30 AM 00 HEARING: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS (POST CONVICTION)/47

HEARD BY: Michelle Leavitt, Judge; Dept. 12

OFFICERS: Kristen Brown, Relief Clerk
Julie Lever, Reporter/Recorder

PARTIES: STATE OF NEVADA
006526 Turner, Robert B.
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

CONTINUED ON PAGE: 040

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 039

Court stated this case is being retained by Department XI and ORDERED,
matter CONTINUED to be heard by Judge Douglas.

NDC

CONTINUED TO: 12/04/03 09:00 AM 01

11/10/03 ??:?? ?M 00 MINUTE ORDER RE: CASE RETAINED BY DEPT
XI

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Sharon Chun, Court Clerk

PARTIES: NO PARTIES PRESENT

This case is retained by Judge Michael L. Douglas, due to this Court's
previous involvement with the case.

NDC

12/04/03 09:00 AM 01 HEARING: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS (POST CONVICTION)/47

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Sharon Chun, Court Clerk
Kit MacDonald, Reporter/Recorder

PARTIES: STATE OF NEVADA
006088 Peterson, Clark A.
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y
N
Y

Mr. Peterson requested additional time to supplement the written Response;
COURT ORDERED, matter CONTINUED.

CONTINUED TO: 01/22/04 09:00 AM 02

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 040

01/22/04 09:00 AM 02 HEARING: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS (POST CONVICTION)/47

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Sharon Chun, Court Clerk
Kit MacDonald, Reporter/Recorder

PARTIES: 0001 D1 Chappell, James M
000824 Schieck, David M.

N
Y

Mr. Schieck stated he spoke to Mr. Peterson yesterday and he has requested a thirty day continuance because of his recent schedule.

COURT ORDERED, matter CONTINUED. Mr. Schieck stated he would advise Mr. Peterson of the continuance date.

CONTINUED TO: 02/26/04 09:00 AM 03

02/26/04 09:00 AM 03 HEARING: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS (POST CONVICTION)/47

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Sharon Chun, Court Clerk
Kit MacDonald, Reporter/Recorder

PARTIES: NO PARTIES PRESENT

The Court advised counsel had requested a continuance; COURT SO ORDERED, the date of 3/18/04 is hereby set.

NDC

CONTINUED TO: 03/18/04 09:00 AM 04

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 041

04/02/04 09:00 AM 06 HEARING: DEFT'S PETITION FOR WRIT OF
HABEAS CORPUS (POST CONVICTION)/47

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: Sharon Chun, Court Clerk
Dick Kangas, Reporter/Recorder

REQ. BY: Douglas Michael L, Judge; Dept. 11

PARTIES: STATE OF NEVADA
006088 Peterson, Clark A.
0001 D1 Chappell, James M
000824 Schieck, David M.

Y
YN
Y

Mr. Schieck noted that the argument today centers on whether the trial outcome would have been different if witnesses would have been used during guilt phase and penalty phase. He stated that Mr. Brooks, feels it would have made a difference.

Mr. Peterson argued that in reference to the written opposition and the State's brief; there is overwhelming evidence of guilt. Deft. conceded he killed her and knifed her and then committed sexual assault. He further argued that the killing was established and that the other witnesses went toward domestic violence. He reiterated that the Deft. admitted the killing. There is no prejudice by presumed failure by Deft's counsel and the Petition should be denied.

Mr. Schieck reiterated that Michigan witnesses would have relevance to the jury re the first degree murder and affected the death sentence.

The Court noted that when the Supreme Court denied a rehearing and rendered their opinion on 3/17/99, they cited the fact that jurors returned a verdict of death after finding that the two mitigating circumstances (the murder was committed while under the influence of extreme mental or emotional disturbance and any other mitigating circumstances) did not outweigh four aggravating factors (the murder was committed during the commission of a robbery, burglary, and sexual assault, and the murder involved torture or depravity of mind). As to the penalty phase, Deft and Deft's counsel have an obligation to present evidence.

Pursuant to the Supreme Court's opinion, COURT ORDERED, a new Penalty Hearing is to be held in this matter.

Mr. Schieck was directed to draft the Order.

CLERK'S NOTE 4/13/04sc: S. Chun, Clerk, phoned Mr. Schieck to verify that counsel were going to request a hearing date in the Order. Mr. Schieck responded that he had spoken to Mr. Peterson and that the State was going to

CONTINUED ON PAGE: 043

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 042

file an Appeal, so no hearing date would yet be requested.

07/17/06 09:00 AM 00 MINUTE ORDER RE: RECUSAL (IX)

HEARD BY: Jennifer Togliatti, Judge; Dept. 9

OFFICERS: Alan Castle/ac, Court Clerk
Kathy Klein, Relief Clerk
Kristen Lunkwitz, Reporter/Recorder

PARTIES: STATE OF NEVADA
006237 Brierly, Tracey J.

0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y

N
Y

Following conference in chambers regarding this Court's familiarity with this case, having been a prosecutor during the time of State's prosecution of this matter and having conferred with State' counsel in that capacity on this matter, to avoid the appearance of impropriety and implied bias, this Court hereby RECUSES itself and ORDERS, this matter be ASSIGNED to Dept. XVII, Judge Cherry, alternate criminal track and matter set for Penalty Hearing in Dept XVII. FURTHER, State's Request to Set Penalty Hearing Pursuant to Nevada Supreme Court Remittitur CONTINUED. Parties to be notified of setting by new Department. COURT ORDERED, Deft's presence WAIVED for these proceedings.

NDC

07/25/06 08:30 AM 01 STATE'S REQUEST FOR PENALTY HEARING PER
NV SUPREME COURT REMITTITUR/50

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Theresa Lee, Court Clerk
Richard Kangas, Reporter/Recorder

PARTIES: STATE OF NEVADA
004630 Hendricks, Craig L.

0001 D1 Chappell, James M
000824 Schieck, David M.

Y
Y

N
Y

Mr. Schieck stated he is not available until the first of next year for trial. COURT ORDERED, trial date SET.

NDC

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 043

3/8/07 8:30 A.M. CALENDAR CALL

3/12/07 10:00 A.M. PENALTY HEARING

10/03/06 08:30 AM 00 ALL PENDING MOTIONS (10/03/06)

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Theresa Lee, Court Clerk
Richard Kangas, Reporter/RecorderPARTIES: STATE OF NEVADA
009159 Raines, Eric M.0001 D1 Chappell, James M
009451 Patrick, Clark W.Y
Y
N
Y

DEFT'S MOTION TO REMAND FOR CONSIDERATION BY DA'S DEATH REVIEW
COMMITTEE...DEFT'S MOTION FOR DISCOVERY OF POTENTIAL PENALTY HEARING
EVIDENCE...DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE...DEFT'S MOTION TO
STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATES NOTICE OF INTENT TO SEEK
DEATH PENALTY...DEFT'S MOTION TO DISMISS STATES NOTICE OF INTENT TO SEEK
DEATH PENALTY...DEFT'S MOTION IN LIMINE TO LIMIT PENALTY HEARING...DEFT'S
MOTION TO BIFURCATE PENALTY PHASE

The Court just received the opposition, therefore, IT IS HEREBY ORDERED,
motions are CONTINUED 30 days.

NDC

11/2/06 8:30 A.M. SAME

11/02/06 08:30 AM 00 ALL PENDING MOTIONS (11/2/06)

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Theresa Lee, Court Clerk
Richard Kangas, Reporter/RecorderPARTIES: STATE OF NEVADA
009600 Keeler, Brett O.0001 D1 Chappell, James M
009451 Patrick, Clark W.Y
Y
N
Y

DEFT'S MOTION TO REMAND FOR CONSIDERATION BY DA'S DEATH REVIEW
COMMITTEE...DEFT'S MOTION FOR DISCOVERY OF POTENTIAL PENALTY HEARING
EVIDENCE...DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE...DEFT'S MOTION TO

CONTINUED ON PAGE: 045

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 044

STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATES' NOTICE...DEFT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY...DEFT'S MOTION IN LIMINE O BIFURCATE PENALTY PHASE

The Court needs to speak to Judge Herndon re this case re his hearing the motions as well as the trial, and whether he had anything to do with this case while in the District Attorney's Office. COURT ORDERED, matter CONTINUED to set a time certain to set these motions in Dept. III.

NDC

11/16/06 8:30 A.M. SET TIME CERTAIN TO HEAR: DEFT'S MOTION TO REMAND FOR CONSIDERATION BY DA'S DEATH REVIEW COMMITTEE...DEFT'S MOTION FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVIDENCE...DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE...DEFT'S MOTION TO STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATES' NOTICE...DEFT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY...DEFT'S MOTION IN LIMINE O BIFURCATE PENALTY PHASE

11/16/06 08:30 AM 00 ALL PENDING MOTIONS (11/16/06)
RESET Motions Before Judge Herndon

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Theresa Lee, Court Clerk
Richard Kangas, Reporter/Recorder

PARTIES: STATE OF NEVADA
009600 Keeler, Brett O.
0001 D1 Chappell, James M
000824 Schieck, David M.
009451 Patrick, Clark W.

Y
Y
N
Y
Y

DEFT'S MOTION TO REMAND FOR CONSIDERATION BY DA'S DEATH REVIEW COMMITTEE...DEFT'S MOTION FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVIDENCE...DEFT'S MOTION TO ALLOW JURY QUESTIONNAIRE...DEFT'S MOTION TO STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATES' NOTICE...DEFT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY...DEFT'S MOTION IN LIMINE O BIFURCATE PENALTY PHASE

Mr. Patrick stated he is not sure if Mr. Owens will be present, however, he is ready to argue the motions. He further stated, this Court was going to check with Judge Herndon re his schedule when he takes over this Department's civil calendar. The Court spoke to Judge Herndon, and ORDERED, the above motions are CONTINUED, Penalty Hearing date STANDS.

NDC

1/11/07 8:30 A.M. SAME

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 045

01/11/07 09:00 AM 00 ALL PENDING MOTIONS 1/11/07

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk
Carole D'Aloia/cd, Relief Clerk
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA
006163 Weckerly, Pamela C.
0001 D1 Chappell, James M
000824 Schieck, David M.
009451 Patrick, Clark W.

Y
Y
Y
Y
Y

ALL PENDING MOTIONS

DEFENDANT'S MOTION TO REMAND FOR CONSIDERATION BY DISTRICT ATTORNEY'S DEATH REVIEW COMMITTEE

Following arguments by counsel, Court stated its' findings and, ORDERED, motion DENIED.

DEFENDANT'S MOTION TO ALLOW JURY QUESTIONNAIRE

COURT ORDERED, motion GRANTED and advised counsel the questionnaire needs to be finalized at least a week and a half prior to trial.

DEFENDANT'S MOTION TO STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATE'S NOTICE

Following arguments by counsel, Court stated its' findings and, ORDERED, motion DENIED.

DEFENDANT'S MOTION TO DISMISS STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY

Following arguments by counsel, Court stated its' findings and, ORDERED, motion DENIED.

DEFENDANT'S MOTION IN LIMINE TO LIMIT PENALTY HEARING

Following arguments by counsel, Court stated its' findings and, ORDERED, motion DENIED.

DEFENDANT'S MOTION TO BIFURCATE PENALTY PHASE

Following arguments by counsel, Court stated its' findings and, ORDERED, motion DENIED.

DEFENDANT'S MOTION FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVIDENCE

CONTINUED ON PAGE: 047

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 046

COURT ORDERED, motion GRANTED.

Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Court advised this case is set for trial on 3/12/07, which is the first week of its' criminal stack. Upon Court's inquiry, counsel advised the Penalty Hearing should take approximately four (4) days. Court advised this trial is set as number one (1) on the stack. Statements regarding the history of the case. Court advised it was never assigned to the Major Violators Unit when it worked in the District Attorney's Office. COURT ORDERED, calendar call and jury trial dates STAND.

NDC

03/08/07 09:00 AM 00 CALENDAR CALL

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA
006163 Weckerly, Pamela C.
0001 D1 Chappell, James M
000824 Schieck, David M.
009451 Patrick, Clark W.

N
Y

Y
Y
Y

All counsel advised ready. Noting that Jury questionnaires have been delivered to Chambers, Court advised that counsel may get their copies and requested that they get together prior to Monday to determine if they can agree to release certain jurors. Mr. Clark advised that he would like the Defendant to be housed at the Clark County Detention Center during trial, but returned today until Monday. COURT SO ORDERED.

NDC

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA vs Chappell, James M

CONTINUED FROM PAGE: 047

03/12/07 10:00 AM 00 PENALTY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk
Sharon Howard, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
001190	Owens, Christopher J.	Y
006163	Weckerly, Pamela C.	Y
0001 D1	Chappell, James M	Y
000824	Schieck, David M.	Y
009451	Patrick, Clark W.	Y

PROSPECTIVE JURY PANEL PRESENT. Voir Dire of panel. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/13/07 10:30 AM 01

03/13/07 10:30 AM 01 PENALTY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk
Sharon Howard, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
001190	Owens, Christopher J.	Y
006163	Weckerly, Pamela C.	Y
0001 D1	Chappell, James M	Y
000824	Schieck, David M.	Y
009451	Patrick, Clark W.	Y

PROSPECTIVE JURY PANEL PRESENT. Continued voir dire of panel. Twelve jurors and two alternates selected and sworn. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/14/07 10:00 AM 02

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 048

03/14/07 10:00 AM 02 PENALTY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk
Sharon Howard, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
	001190 Owens, Christopher J.	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Chappell, James M	Y
	000824 Schieck, David M.	Y
	009451 Patrick, Clark W.	Y

OUTSIDE THE PRESENCE OF THE JURY. To preserve the record, Mr. Schieck argued his objection to hearsay. Argument by Mr. Owens. JURY PRESENT. Opening argument by Ms. Weckerly and Mr. Schieck. Witnesses sworn and testified per worksheet. Exhibits marked and admitted per worksheet. OUTSIDE THE PRESENCE OF THE JURY. Mr. Owens advised that Mike Pollard has arrived and he may be calling him as a witness regarding victim impact. Objection to Victim Impact Statement during Penalty Hearing by Mr. Schieck, citing Sherman case. JURY PRESENT. Continued testimony and exhibits per worksheets. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/15/07 11:00 AM 03

03/15/07 11:00 AM 03 PENALTY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Donahoo, Court Clerk
Sharon Howard/Cheryl Gardner, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001190 Owens, Christopher J.	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Chappell, James M	Y
	000824 Schieck, David M.	Y
	009451 Patrick, Clark W.	Y

OUTSIDE THE PRESENCE OF THE JURY: Court advised it reviewed the Statutes and other cases dealing with penalty hearing issues and informed counsel of its findings.

10:51 a.m. JURY PRESENT: Penalty Hearing continued.

Testimony presented (see worksheet).

CONTINUED ON PAGE: 050

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 049

5:15 p.m. Court admonished the jury and excused them for the evening. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/16/07 09:00 AM 04

03/16/07 09:00 AM 04 PENALTY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Donahoo, Court Clerk
Sharon Howard/Cheryl Gardner, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001190 Owens, Christopher J.	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Chappell, James M	Y
	000824 Schieck, David M.	Y
	009451 Patrick, Clark W.	Y

9:16 a.m. JURY PRESENT: Penalty Hearing continued.

Exhibits and testimony presented (see worksheet).

4:55 p.m. Court admonished the jury and excused them for the evening. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/19/07 09:00 AM 05

03/19/07 09:00 AM 05 PENALTY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk
Sharon Howard, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
	001190 Owens, Christopher J.	Y
	006163 Weckerly, Pamela C.	Y
	0001 D1 Chappell, James M	Y
	000824 Schieck, David M.	Y
	009451 Patrick, Clark W.	Y

OUTSIDE PRESENCE OF THE JURY. Mr. Schieck made a record of his objection regarding testimony of Defendant from his prior trial, noting that Defendant received ineffective assistance of counsel at that trial. Court stated that

CONTINUED ON PAGE: 051

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA

vs Chappell, James M

CONTINUED FROM PAGE: 050

previous testimony will be allowed and that Court believes that there is a bar as to ineffectiveness of counsel as it was not previously addressed. JURY PRESENT. Continued testimony and exhibits per worksheets. OUTSIDE PRESENCE OF THE JURY. Mr. Schieck advised that there were seven witnesses from Lansing, Michigan, however, two of the witnesses, Ivory Morrell and James Ford, had to leave or lose their jobs. Mr. Schieck stated he is confident that other witnesses will provide adequate testimony and he is not building an ineffectiveness of counsel argument for post conviction. Mr. Schieck noted additional witnesses and their testimony. JURY PRESENT. Continued testimony and exhibits per worksheets. OUTSIDE PRESENCE OF THE JURY. Defendant given rights regarding testifying. JURY PRESENT. Continued testimony and exhibits per worksheets. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/20/07 11:00 AM 06

03/20/07 11:00 AM 06 PENALTY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk
Sharon Howard, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
001190	Owens, Christopher J.	Y
006163	Weckerly, Pamela C.	Y
0001 D1	Chappell, James M	Y
000824	Schieck, David M.	Y
009451	Patrick, Clark W.	Y

JURY PRESENT. Continued testimony and exhibits per worksheets. Defendant rests. Unsworn statement by Defendant. Rebuttal Witnesses per worksheets. State rests. OUTSIDE PRESENCE OF THE JURY. Instructions settled on the record. JURY PRESENT. Instructions read. Closing argument by counsel. At the hour of 5:45PM Jury left to deliberate. At 6:15pm Jury was excused for the evening and was instructed to return at 9 AM on 3/21. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/21/07 09:00 AM 07

CRIMINAL COURT MINUTES

95-C-131341-C STATE OF NEVADA vs Chappell, James M

CONTINUED FROM PAGE: 051

03/21/07 09:00 AM 07 PENALTY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA
001190 Owens, Christopher J.
006163 Weckerly, Pamela C.

0001 D1 Chappell, James M
000824 Schieck, David M.
009451 Patrick, Clark W.

N
Y
Y

Y
Y
Y

Jury returned at 9:00 AM to continue deliberating. At the hour of 3:30 PM Jury returned with verdicts in accordance with the written verdicts which were FILED IN OPEN COURT. The Jury having found that the aggravating circumstance outweighs any mitigating circumstances, imposed a sentence of Death. Jury thanked and excused. COURT ORDERED, matter set for Sentencing. Mr. Schieck requested that Defendant be returned to High Desert Prison and COURT SO ORDERED; State to prepare Order to Transport Defendant for Sentencing on May 10.

NDC

5/10/07 9:00 AM SENTENCING

05/10/07 09:00 AM 00 SENTENCING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Katherine Streuber, Relief Clerk
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA
001190 Owens, Christopher J.

0001 D1 Chappell, James M
000824 Schieck, David M.
009451 Patrick, Clark W.

Y
Y

Y
Y
Y

CONFERENCE AT THE BENCH. DEFT. CHAPPELL ADJUDGED GUILTY of COUNT 3 - MURDER (OPEN) WITH USE OF A DEADLY WEAPON (F). COURT ORDERED, Deft. SENTENCED to DEATH. State provided prepared Judgement of Conviction and Stay of Execution, SIGNED IN OPEN COURT and returned to State to make appropriate copies.

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Location : District Court Civil/Criminal Help

REGISTER OF ACTIONS

CASE No. 95C131341

The State of Nevada vs James M Chappell

09/28/2010 10/05/2010 11/09/2010 08/09/2012

Case Type: **Felony/Gross Misdemeanor**
 Date Filed: **10/10/1995**
 Location: **Department 5**
 Conversion Case Number: **C131341**
 Defendant's Scope ID #: **1212860**
 Lower Court Case Number: **95F08114**
 Supreme Court No.: **61967**

RELATED CASE INFORMATION

Related Cases
 95F08114X (Bind Over Related Case)

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	Statute	Level	Date
1. BURGLARY	205.060	Felony	01/01/1900
2. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
3. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900
3. DEGREES OF MURDER	200.030	Felony	01/01/1900

EVENTS & ORDERS OF THE COURT

09/28/2010 **Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer Glass, Jackie)**
 09/28/2010, 10/05/2010, 11/09/2010, 08/09/2012

Minutes

09/02/2010 8:30 AM

09/02/2010 8:30 AM

09/28/2010 8:30 AM

- Deputy District Attorney Steve Owens present for the State.
 Special Public Defender Schieck present for Defendant.
 Defendant not present. Upon inquiry of the Court, the State
 advised there was nothing to respond to. Mr. Schieck requested
 to WITHDRAW as Counsel of Record. Court noted it would
 contact Drew Christensen for appointment of Appellate Counsel
 on this Death Penalty case. Court noted defendant is 250
 qualified. COURT ORDERED, matter CONTINUED and SET for
 Confirmation of Counsel. NDC 10/5/10 8:30 AM PETITION FOR
 WRIT OF HABEAS CORPUS...CONFIRMATION OF COUNSEL

10/05/2010 8:30 AM

11/09/2010 8:30 AM

07/14/2011 9:00 AM

07/14/2011 8:30 AM

11/17/2011 9:00 AM

11/17/2011 8:30 AM

08/09/2012 9:00 AM

08/09/2012 9:00 AM

[Return to Register of Actions](#)

04696

REGISTER OF ACTIONS
CASE No. 95C131341

The State of Nevada vs James M Chappell

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Case Type: Felony/Gross
Date Filed: 10/10/1995
Location: Department 5
Case Number: C131341
Scope ID #: 1212860
Case Number: 95F08114
Court No.: 61967

RELATED CASE INFORMATION

Related Cases

95F08114X (Bind Over Related Case)

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

10/05/2010	All Pending Motions (8:30 AM) (Judicial Officer Glass, Jackie)
------------	----------------------------------------------------------------

Minutes

10/05/2010 8:30 AM

- APPEARANCES CONTINUED: David Schieck, Special Public Defender, present. Defendant CHAPPELL not present and in the custody of the Nevada Department of Corrections. CONFIRMATION OF COUNSEL ... DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS This is a post-conviction matter on a Rule 250 case. COURT ORDERED, CHRIS ORAM APPOINTED AS COUNSEL. Colloquy. COURT FURTHER ORDERED, matter CONTINUED 30 DAYS for Mr. Oram to obtain the file from Mr. Schieck and familiarize himself with the case and, thereafter, a briefing schedule will be set. NDC 11/9/10 8:30 AM STATUS CHECK: SET BRIEFING SCHEDULE ... DEFENDANT'S POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS

Parties Present

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REGISTER OF ACTIONS

CASE No. 95C131341

The State of Nevada vs James M Chappell

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Case Type: **Felony/Gross
Misdemeanor**
 Date Filed: **10/10/1995**
 Location: **Department 5**
 Conversion Case Number: **C131341**
 Defendant's Scope ID #: **1212860**
 Lower Court Case Number: **95F08114**
 Supreme Court No.: **61967**

RELATED CASE INFORMATION

Related Cases

95F08114X (Bind Over Related Case)

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

	Statute	Level	Date
1. BURGLARY.	205.060	Felony	01/01/1900
2. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
3. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900
3. DEGREES OF MURDER	200.030	Felony	01/01/1900

EVENTS & ORDERS OF THE COURT

11/09/2010 All Pending Motions (8:30 AM) (Judicial Officer Glass, Jackie)

Minutes

11/09/2010 8:30 AM

- STATUS CHECK: SET BRIEFING SCHEDULE ...
 DEFENDANT'S PETITION FOR WRIT OF HABEAS
 CORPUS Defendant CHAPPELL not present and in the
 custody of the Nevada Department of Corrections. Mr.
 Oram advised the Special Public Defender is getting the
 file to him and he requests six (6) months. Colloquy.
 COURT ORDERED, Writ due March 25, 2011, State's
 Return due May 27, 2011, any Reply due June 24, 2011,
 and matter SET for HEARING. NDC 7/14/11 8:30 AM
 DEFENDANT'S PETITION FOR WRIT OF HABEAS
 CORPUS

Parties Present

Return to Register of Actions

04698

REGISTER OF ACTIONS
CASE No. 95C131341

The State of Nevada vs James M Chappell

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Case Type:	Felony/Gross Misdemeanor
Date Filed:	10/10/1995
Location:	Department 5
Case Number:	C131341
Case Scope ID #:	1212860
Case Number:	95F08114
Case Court No.:	61967

RELATED CASE INFORMATION

Related Cases

95F08114X (Bind Over Related Case)

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	205.060	Felony	01/01/1900
2. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
3. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900
3. DEGREES OF MURDER	200.030	Felony	01/01/1900

EVENTS & ORDERS OF THE COURT

04/05/2011	Motion (8:30 AM) (Judicial Officer Glass, Jackie)
------------	---------------------------------------------------

Motion to Place On Calendar To Extend the tTime to File A Supplemental Brief In Support Of Defendant's Writ of Habeas Corpus

Minutes

04/05/2011 8:30 AM

- Following representations by counsel, COURT ORDERED, motion GRANTED and briefing schedule SET as follows: Supplemental Brief by 8/9/11; Response by 10/4/11; Reply by 11/1/11. COURT FURTHER ORDERED, Def't's Petition for Writ of Habeas Corpus to be heard on 7/14/11, RESET to 11/17/11. NDC 11/17/11 8:30 AM DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

11/17/2011 8:30 AM

Parties Present

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REGISTER OF ACTIONS

CASE NO. 95C131341

The State of Nevada vs James M Chappell

Case No. 95C131341

Case Type: **Felony/Gross Misdemeanor**
Date Filed: **10/10/1995**
Location: **Department 5**
Conversion Case Number: **C131341**
Defendant's Scope ID #: **1212860**
Lower Court Case Number: **95F08114**
Supreme Court No.: **61967**

RELATED CASE INFORMATION

Related Cases

95F08114X (Bind Over Related Case)

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

	Statute	Level	Date
1. BURGLARY.	205.060	Felony	01/01/1900
2. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
3. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900
3. DEGREES OF MURDER	200.030	Felony	01/01/1900

EVENTS & ORDERS OF THE COURT

12/13/2011 Status Check (9:00 AM) (Judicial Officer Delaney, Kathleen E.)
12/13/2011, 02/14/2012, 05/24/2012
Filing of the Supplemental Brief/Reset Hearing on Deft's Petition

Minutes

12/13/2011 9:00 AM
- Mr. Oram stated that he filed a motion for extension of time. There being no opposition, COURT ORDERED, matter CONTINUED; Deft's Motion for Extension of Time set for December 22, 2011 VACATED and counsel will have an additional sixty days to file a supplemental pleading. NDC 2/14/12 9:00 AM STATUS CHECK: FILING OF SUPPLEMENTAL PLEADING/RESET HEARING ON DEFT'S PETITION

02/14/2012 9:00 AM
- Mr. Oram indicated he would be submitting the Supplemental Brief by February 15, 2012. Mr. Owens stated he would further be filing a Response. COURT ORDERED, matter CONTINUED for further Status Check. NDC 4/17/12 STATUS CHECK: FILING OF THE SUPPLEMENTAL BRIEF/ RESET HEARING DATE ON DEFENDANT'S PETITION

04/17/2012 9:00 AM

05/24/2012 9:00 AM

Parties Present

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04701

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REGISTER OF ACTIONS

CASE No. 95C131341

The State of Nevada vs James M Chappell

Case No. 95C131341

Case Type: **Felony/Gross Misdemeanor**
 Date Filed: **10/10/1995**
 Location: **Department 5**
 Conversion Case Number: **C131341**
 Defendant's Scope ID #: **1212860**
 Lower Court Case Number: **95F08114**
 Supreme Court No.: **81967**

RELATED CASE INFORMATION

Related Cases

95F08114X (Blind Over Related Case)

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
205.080	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

02/28/2012 All Pending Motions (9:00 AM) (Judicial Officer Delaney, Kathleen E.)

Minutes

02/28/2012 9:00 AM

- DEFT'S MOTION FOR AUTHORIZATION TO OBTAIN AN INVESTIGATION AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFT'S MOTION FOR AUTHORIZATION TO OBTAIN EXPERT SERVICES AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFT'S MOTION FOR AUTHORIZATION TO OBTAIN A SEXUAL ASSAULT EXPERT AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFT'S MOTION FOR DISCOVERY Mr. Owens advised the Court that he filed a supplemental and believes that the District Attorney should be given the opportunity to respond. Mr. Owens stated that the merits of the motion are intertwined with the petition and will respond to the motions when he responds to the petition and then parties can argue the petition and the Court can issue its order at that time. COURT ORDERED, motions CONTINUED and Mr. Owens to file a response by May 17, 2012; FURTHER, the status check date of April 17, 2012 is RESET to coincide with the same date as the motions. NDC 5/24/12 9:00 AM DEFT'S MOTION FOR AUTHORIZATION TO OBTAIN AN INVESTIGATION AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFT'S MOTION FOR AUTHORIZATION TO OBTAIN EXPERT SERVICES AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFT'S MOTION FOR AUTHORIZATION TO OBTAIN A SEXUAL ASSAULT EXPERT AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFT'S MOTION FOR DISCOVERY...STATUS CHECK: FILING OF THE SUPPLEMENTAL BRIEF/RESET HEARING ON DEFT'S PETITION

Parties Present

Return to Register of Actions

04702

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REGISTER OF ACTIONS

CASE No. 95C131341

The State of Nevada vs James M Chappell

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Case Type: **Felony/Gross Misdemeanor**
Date Filed: **10/10/1995**
Location: **Department 5**
Conversion Case Number: **C131341**
Defendant's Scope ID #: **1212860**
Lower Court Case Number: **95F08114**
Supreme Court No.: **61967**

RELATED CASE INFORMATION

Related Cases

95F08114X (Blind Over Related Case)

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

05/24/2012 All Pending Motions (9:00 AM) (Judicial Officer Delaney, Kathleen E.)

Minutes

05/24/2012 9:00 AM

- STATUS CHECK: FILING OF THE SUPPLEMENTAL BRIEF / RESET HEARING DATE ON DEFENDANT S PETITION...DEFENDANT S MOTION FOR DISCOVERY...DEFENDANT S MOTION FOR AUTHORIZATION TO OBTAIN A SEXUAL ASSAULT EXPERT AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFENDANT S MOTION FOR AUTHORIZATION TO OBTAIN EXPERT SERVICES AND FOR PAYMENT OF FEES INCURRED HEREIN... DEFENDANT S MOTION FOR AUTHORIZATION TO OBTAIN AN INVESTIGATOR AND FOR PAYMENT OF FEES INCURRED HEREIN Mr. Oram requested to file a Reply to the States Oppositions and to further set the Hearing regarding the Petition out two months for the matter to be briefed. There being no opposition. COURT ORDERED, matter CONTINUED; Reply to be submitted by 7/26/12; Petition SET for Hearing. 8/9/12 9:00 AM STATUS CHECK: FILING OF THE SUPPLEMENTAL BRIEF / RESET HEARING DATE ON DEFENDANT S PETITION...DEFENDANT S MOTION FOR DISCOVERY...DEFENDANT S MOTION FOR AUTHORIZATION TO OBTAIN A SEXUAL ASSAULT EXPERT AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFENDANT S MOTION FOR AUTHORIZATION TO OBTAIN EXPERT SERVICES AND FOR PAYMENT OF FEES INCURRED HEREIN... DEFENDANT S MOTION FOR AUTHORIZATION TO OBTAIN AN INVESTIGATOR AND FOR PAYMENT OF FEES INCURRED HEREIN NDC 8/9/12 9:00 AM PETITION FOR WRIT OF H.C.

Parties Present

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REGISTER OF ACTIONS

CASE No. 95C131341

The State of Nevada vs James M Chappell

Case Type: **Felony/Gross
Misdemeanor**
Date Filed: **10/10/1995**
Location: **Department 5**
Conversion Case Number: **C131341**
Defendant's Scope ID #: **1212860**
Lower Court Case Number: **95F08114**
Supreme Court No.: **61967**

RELATED CASE INFORMATION

Related Cases

95F08114X (Bind Over Related Case)

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	Statute	Level	Date
1. BURGLARY.	205.060	Felony	01/01/1900
2. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
3. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900
3. DEGREES OF MURDER	200.030	Felony	01/01/1900

EVENTS & ORDERS OF THE COURT

08/09/2012 All Pending Motions (9:00 AM) (Judicial Officer Bell, Linda Marie)

Minutes

08/09/2012 9:00 AM

- DEFT S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...DEFT S MOTION FOR AUTHORIZATION TO OBTAIN AN INVESTIGATOR AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFT S MOTION FOR AUTHORIZATION TO OBTAIN EXPERT SERVICES AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFT S MOTION FOR AUTHORIZATION TO OBTAIN A SEXUAL ASSAULT EXPERT AND FOR PAYMENT OF FEES INCURRED HEREIN...DEFT S MOTION FOR DISCOVERY Court stated this matter may have gone through the Federal Public Defender's Office and there may be a potential conflict. Mr. Owens stated he did not believe it had. Court stated it believe JoNell Thomas may have worked on this case and this Court generally does not hear cases where she has done work as Ms. Thomas is a close friend. Colloquy. To avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random. Court stated the basis being Ms. Thomas was the attorney for the second penalty hearing and also prepared the basis for this proceeding. NDC

Parties Present

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REGISTER OF ACTIONS

CASE No. 95C131341

The State of Nevada vs James M Chappell

Case Type: **Felony/Gross
Misdemeanor**
Date Filed: **10/10/1995**
Location: **Department 5**
Case Number: **C131341**
Scope ID #: **1212860**
Case Number: **95F08114**
The Court No.: **61967**

RELATED CASE INFORMATION

Related Cases

95F08114X (Bind Over Related Case)

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	205.060	Felony	01/01/1900
2. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
3. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900
3. DEGREES OF MURDER	200.030	Felony	01/01/1900

EVENTS & ORDERS OF THE COURT

08/29/2012	Status Check (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
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Minutes

08/29/2012 9:00 AM

- STATUS CHECK Deft. CHAPPELL not present. Mr. Oram advised Judge Bell had to recuse on this case, matter has been fully briefed, but is voluminous and may take the Court awhile to read. Further, requested matter be set for argument which would take about an hour. Further noted there is a pending motion for investigator, but it will be heard after this argument. COURT ORDERED, matter CONTINUED for argument. NDC CONTINUED TO:
10/12/ 12 9 AM

Parties Present

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REGISTER OF ACTIONS
CASE No. 95C131341

The State of Nevada vs James M Chappell

Case Type: Felony/Gross
Misdemeanor
Date Filed: 10/10/1995
Location: Department 5
Case Number: C131341
Case Scope ID #: 1212860
Case Number: 95F08114
Court No.: 61967

RELATED CASE INFORMATION

Related Cases

95F08114X (Bind Over Related Case)

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

10/19/2012	Argument (10:00 AM) (Judicial Officer Ellsworth, Carolyn)
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Minutes

10/12/2012 10:00 AM

10/19/2012 10:00 AM

- **EVIDENTIARY HEARING: ARGUMENT** Deft. not present. Mr. Oram advised he wants to argue his writ and other motions as a whole and then he is going to request an evidentiary hearing and appointment of investigator and expert. Court advised after reviewing everything it has not been persuaded that there has been ineffective assistance of counsel nor does it agree with the death penalty being unconstitutional argument. Further, Court doesn't see an evidentiary hearing would change anything in this case and is inclined to deny motion. Arguments by counsel. Colloquy between Court and Mr. Oram. COURT stated findings and ORDERED, Motion DENIED, State to prepare the order and include the reasons set forth in State's opposition in the order. NDC

Parties Present

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

JAMES CHAPPELL,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 61967

Electronically Filed
Nov 18 2013 02:30 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

APPEAL FROM DENIAL OF PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION) AND SENTENCE OF DEATH
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE CAROLYN ELLSWORTH, PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME XXI  
~~~~~

ATTORNEY FOR APPELLANT

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CATHERINE CORTEZ MASTO

Nevada Attorney General
Nevada Bar No. 0003926
100 North Carson Street
Carson City, Nevada 89701-4717

IN THE SUPREME COURT OF NEVADA

JAMES CHAPPELL,

CASE NO. 61967

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

APPENDIX

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on this 18th day of November, 2013. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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