

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JAMES CHAPPELL,

Appellant,

v.

THE STATE OF NEVADA,

Respondent

Case No. 61967

Electronically Filed  
Feb 06 2014 04:28 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**MOTION FOR EXTENSION TIME  
(First Request)**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, STEVEN S. OWENS, and moves this Court for an enlargement of time of sixty (60) days from February 7, 2014, making said brief due April 8, 2014. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 6<sup>th</sup> day of February, 2014.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY /s/ Steven S. Owens

STEVEN S. OWENS  
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## **MEMORANDUM**

I, STEVEN S. OWENS, am the supervising attorney in the above-captioned case. The State is requesting a sixty (60) day extension of time in which to file its Answering Brief under NRAP 31(b)(3) and SCR 250(7)(d).

This is an appeal from a district court order denying a post-conviction petition for writ of habeas corpus in a death penalty case. Appellant filed his Notice of Appeal on October 22, 2012, yet ultimately did not file the current Opening Brief with this Court until January 8, 2014. This delay was due to Appellant filing numerous Motions to Extend Time, followed by the Court striking Appellant's initial Opening Brief because it failed to comply with the page limitations allowed by NRAP 23(a)(7)(ii).

Appellant filed four (4) Motions to Extend Time. The first was filed on February 21, 2013, wherein Appellant requested an additional ninety (90) days to file the Opening Brief. This Court granted the Motion making said brief due May 22, 2013. On May 22, 2013, Appellant filed his second Motion to Extend Time again requesting an additional ninety (90) days to file the Opening Brief. This Court granted the request making the brief due on August 20, 2013. On August 20, 2013, Appellant filed his third Motion to Extent Time this time requesting an additional forty-five (45) days to file the Opening Brief. Again, this Court granted the Motion making the brief due October 4, 2013. Then on October 4, 2013,

Appellant filed his fourth Motion to Extend Time requesting an additional forty-five (45) days to file the Opening Brief. This motion was granted giving Appellant until November 18, 2013, to file the Opening Brief.

Then on November 18, 2013, Appellant filed his initial Opening Brief, along with a Motion to Enlarge Page Limitations and a twenty-one (21) volume appendix. On December 6, 2013, this Court denied Appellant's Motion to Enlarge Page Limitations and struck the initial Opening Brief. Appellant then filed a conforming Opening Brief on January 8, 2014.

No Motions for Extension of Time have been requested or granted to the State, and its Answering Brief is currently due on February 7, 2014. As good cause for the extension, the State cites the following: 1) the Opening Brief is sixty-two (62) pages long and raises twelve (12) grounds for relief, which are based on a twenty-one (21) volume Appellant's Appendix; 2) Appellant was convicted in 1996, and therefore this case has a long and complex history; and 3) this Court has granted Appellant's four (4) Motions to Extend Time while this is the State's first request for additional time.

Accordingly, the State respectfully moves for an enlargement of time of sixty (60) days, making said answering brief due on Tuesday, April 8, 2014. This will give the State sufficient time to adequately respond fully to the material in

Appellant's Opening Brief and sort through the voluminous appendix submitted to the Court.

Dated this 6<sup>th</sup> day of February, 2014.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY */s/ Steven S. Owens*

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on February 6, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO  
Nevada Attorney General

CHRISTOPHER R. ORAM, ESQ.  
Counsel for Appellant

STEVEN S. OWENS  
Chief Deputy District Attorney

BY /s/ E. Davis  
Employee, District Attorney's Office