

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 61967

**FILED**

**MAY 19 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER GRANTING MOTION IN PART*

Appellant has filed a motion for a 90-day extension of time to file the reply brief. In support of the motion, counsel points out that this is an appeal from a murder conviction for which appellant was sentenced to death and asserts that additional time is necessary due to the length of the briefs and the complex issues presented.

Appellant fails to demonstrate extraordinary circumstances and extreme need warranting a 90-day extension of time. A reply brief serves a limited purpose: "answering any new matter set forth in the opposing brief." NRAP 28(c). The nature of appellant's offense and sentence alone does not constitute an extraordinary circumstance warranting such a lengthy extension. Neither does the length of the answering brief constitute an extraordinary circumstance as that brief is well within the page and type-volume limitation of NRAP 32(a)(7)(B). And counsel fails to identify any complex issues requiring additional time. Under these circumstances, we grant the motion only in part.

Appellant shall have until August 15, 2014, to file and serve the reply brief. Given the length of this initial extension, no further extensions of time shall be permitted absent demonstration of extraordinary circumstances and extreme need. *Id.* Counsel's caseload

normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to file a timely reply brief may be treated as a waiver of the right to file a reply brief. NRAP 28(c).

It is so ORDERED.

Lilbon, C.J.

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