

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 61967

FILED

AUG 21 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

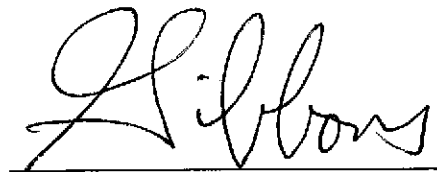
ORDER DENYING MOTION

Appellant has filed a motion requesting a second extension of time (60 days) to file a reply brief. When we granted appellant's prior motion for an extension of time in part, we cautioned that no further extensions of time would be permitted absent demonstration of extraordinary circumstances and extreme need. NRAP 31(b)(3)(D). In support of the current motion counsel cites the length of the opening and answering briefs and unidentified complex issues. Counsel also points out that this is an appeal from a murder conviction for which appellant was sentenced to death.

These same grounds were asserted in support of appellant's first extension motion and we conclude appellant has not shown extraordinary circumstances and extreme need warranting an additional 60-day extension of time. As noted in our prior order, the nature of appellant's offense and sentence alone does not constitute an extraordinary circumstance warranting an extension of time. The length of the answering brief does not constitute an extraordinary circumstance as that brief is well within the page and type-volume limitation of NRAP 32(a)(7)(B). And counsel again fails to identify any complex issues requiring additional time. Accordingly, the motion is denied.

Appellant shall have until September 15, 2014, to file and serve the reply brief. No further extensions of time shall be permitted absent demonstration of extraordinary circumstances and extreme need. NRAP 31(b)(3)(D). 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.

 C.J.

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