

Electronically Filed
Sep 21 2018 10:54 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOAS**

2 RENE L. VALLADARES

3 Federal Public Defender

4 Nevada Bar No. 11479

5 BRAD D. LEVENSON

6 Assistant Federal Public Defender

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9 ELLESSE HENDERSON

10 Assistant Federal Public Defender

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12 Ellesse_Henderson@fd.org

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17 Las Vegas, Nevada 89101

18 (702) 388-6577

19 (702) 388-5819 (Fax)

20 Attorneys for Petitioner

21 **DISTRICT COURT**

22 **CLARK COUNTY, NEVADA**

23 JAMES MONTELL CHAPPELL,

Petitioner,

v.

WILLIAM GITTERE, Warden, and ADAM
PAUL LAXALT, Nevada Attorney
General,

Respondents.¹

Case No. 95C-131341

Dept. No. V

NOTICE OF APPEAL

(Death Penalty Habeas Corpus Case)

¹ Warden William Gittere is automatically substituted for former warden Timothy Filson pursuant to Nev. R. Civ. Pro. 25(d)(1).

1 NOTICE IS HEREBY GIVEN that the Defendant, James Montell Chappell,
2 appeals to the Nevada Supreme Court from the Notice of Entry of Findings of Fact,
3 Conclusions of Law and Order filed in this action on August 17, 2018.

4 DATED this 14th day of September, 2018.

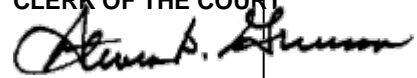
5 Respectfully submitted,
6 RENE L. VALLADARES
Federal Public Defender

7 /s/ Brad D. Levenson
8 BRAD D. LEVENSON
Assistant Federal Public Defender
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/s/ Sara Jelinek
An Employee of the
Federal Public Defender
District of Nevada



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13 **SCOTT WISNIEWSKI**
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19 (702) 388-5819 (Fax)

20 Attorneys for Petitioner

21 **DISTRICT COURT**
22 **CLARK COUNTY, NEVADA**

23 **JAMES MONTELL CHAPPELL,**

Petitioner,

v.

**WILLAIM GITTERE, Warden, and ADAM
PAUL LAXALT, Nevada Attorney General**

Respondents.

Case No. 95C-131341
Dept. No. V

CASE APPEAL STATEMENT
(Death Penalty Habeas Corpus Case)

1. Name of petitioner filing this case appeal statement:

James Montell Chappell

1 **2. Identify the judge issuing the order appealed from:**

2 Hon. Carolyn Ellsworth

3 **3. Identify each appellant and the name and address of counsel for each**
4 **appellant:**

5 Rene L. Valladares
6 Federal Public Defender
7 Brad D. Levenson
8 Assistant Federal Public Defender
9 Ellesse Henderson
10 Assistant Federal Public Defender
11 Scott Wisniewski
12 Assistant Federal Public Defender
13 411 E. Bonneville Ave., Suite 250
14 Las Vegas, Nevada 89101
15 Telephone: (702) 388-6577
16 Facsimile: (702) 388-5819

17 Counsel for Appellant James Chappell

18 **4. Identify each respondent and the name and address of appellate counsel, if**
19 **known, for each respondent (if the name of a respondent's appellate counsel**
20 **is unknown, indicate as much and provide the name and address of that**
21 **respondent's trial counsel):**

22 Respondent William Gittere
23 Warden, Ely State Prison
24 Respondent Adam Paul Laxalt
25 Nevada Attorney General

26 Steven Wolfson
27 Clark County District Attorney
28 Steven S. Owens
29 Chief Deputy District Attorney
30 200 Lewis Avenue
31 Las Vegas, Nevada 89155
32 (702) 671-2500
33 Counsel for Respondents

34 **5. Indicate whether any attorney identified above in response to question 3 or**
35 **4 is not licensed to practice law in Nevada and, if so, whether the district**

1 court granted that attorney permission to appear under SCR 42 (attach a
2 copy of any district court order granting such permission):

3 All attorneys are licensed in Nevada.

4 **6. Indicate whether appellant was represented by appointed or retained
5 counsel in the district court:**

6 The United State District Court for the District of Nevada appointed counsel
7 for Chappell on April 4, 2016. *See Chappell v. Baker*, 2:16-cv-00645, Docket No. 7.
8 Pursuant to our appointment in federal court, undersigned counsel remained
9 Chappell's appointed counsel for these state proceedings.

10 **7. Indicate whether appellant is represented by appointed or retained counsel
11 on appeal:**

12 Chappell is represented by appointed counsel, the Federal Public Defender for
13 the District of Nevada.

14 **8. Indicate whether appellant was granted leave to proceed in forma pauperis,
15 and the date of entry of the district court order granting such leave:**

16 The United States District Court granted Chappell leave to proceed in forma
17 pauperis on April 4, 2016. *See Chappell v. Baker*, 2:16-cv-00645, Docket No. 7.

18 **9. Indicate the date the proceedings commenced in the district court (e.g., date
19 complaint, indictment, information, or petition was filed):**

20 The Petition for Writ of Habeas Corpus (Post-Conviction) was filed on
21 November 16, 2016.

22 **10. Provide a brief description of the nature of the action and result in the
23 district court, including the type of judgment or order being appealed and
the relief granted by the district court:**

Chappell filed the instant petition and raised twenty-six claims. On April 5,
2017, the State filed a response and motion to dismiss Chappell's petition. On

1 October 12, 2017, the District Court granted a limited evidentiary hearing on whether
2 trial and post-conviction counsel were ineffective for failing to present evidence that
3 Chappell suffered from Fetal Alcohol Spectrum Disorder. The hearing was held on
4 April 6, 2018. On August 8, 2018, the District Court entered a decision denying
5 Chappell's petition, which notice was filed on August 17, 2016.

6 **11. Indicate whether the case has previously been the subject of an appeal to**
7 **or original writ proceeding in the Supreme Court and, if so, the caption and**
8 **Supreme Court docket number of the prior proceeding:**

9 *Chappell v. State*, 114 Nev. 1403, 972 P.2d 838 (1998) (direct appeal)

10 *Chappell v. State*, No. 43493 (2006) (post-conviction)

11 *Chappell v. State*, No. 49478 (2009) (direct appeal)

12 *Chappell v. State*, No. 61967 (2015) (post-conviction)

13 **12. Indicate whether is appeal involves child custody or visitation:**

14 This case does not involve child custody or visitation.

15 ///

16 ///

1 **13.If this is a civil case, indicate whether this appeal involves the possibility**
2 **of settlement:**

3 This case is not a civil case.

4 DATED this 14th day of September, 2018.

5 Respectfully submitted,
6 RENE L. VALLADARES
7 Federal Public Defender

8 /s Brad D. Levenson
9 BRAD D. LEVENSON
10 Assistant Federal Public Defender
11 411 E. Bonneville Ave., Suite 250
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15 Attorneys for Petitioner
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Steven S. Owens
Chief Deputy District Attorney
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Eileen.davis@clarkcountysda.com

6

DEPARTMENT 5
CASE SUMMARY
CASE No. 95C131341

The State of Nevada vs James M Chappell

§ Location: **Department 5**
§ Judicial Officer: **Ellsworth, Carolyn**
§ Filed on: **10/10/1995**
§ Case Number History:
§ Cross-Reference Case **C131341**
§ Number:
§ Defendant's Scope ID #: **1212860**
§ Lower Court Case # Root: **95F08114**
§ Lower Court Case Number: **95F08114X**
§ Supreme Court No.: **61967**

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. BURGLARY.	F	01/01/1900		
2. ROBBERY WITH A DEADLY WEAPON	F	01/01/1900	Case Flags:	Bail Set
3. MURDER WITH A DEADLY WEAPON	F	01/01/1900		<i>Bail Set at \$25000</i>
3. DEGREES OF MURDER	F	01/01/1900		Appealed to Supreme Court
				Custody Status - Nevada
				Department of Corrections
				Death Penalty Case

Related Cases
95F08114X (Bind Over Related Case)

Statistical Closures

01/08/2013	Jury Trial - Conviction - Criminal
05/15/2007	USJR Reporting Statistical Closure
09/08/2004	USJR Reporting Statistical Closure
10/16/2008	USJR Reporting Statistical Closure

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	95C131341
Court	Department 5
Date Assigned	08/13/2012
Judicial Officer	Ellsworth, Carolyn

PARTY INFORMATION

Defendant	Chappell, James M	<i>Lead Attorneys</i>
		Federal Public Defender
		<i>Retained</i>
Plaintiff	State of Nevada	Laxalt, Adam Paul
		702-486-3420(W)







DATE

EVENTS & ORDERS OF THE COURT






INDEX

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. BURGLARY. Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. ROBBERY WITH A DEADLY WEAPON Not Guilty PCN: Sequence:

DEPARTMENT 5
CASE SUMMARY
CASE No. 95C131341







01/01/1900	Plea (Judicial Officer: User, Conversion) 3. MURDER WITH A DEADLY WEAPON Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. DEGREES OF MURDER Not Guilty PCN: Sequence:	
10/10/1995	 Criminal Bindover <i>CRIMINAL BINDOVER Fee \$0.00</i>	95C1313410001.tif pages
10/10/1995	Hearing <i>INITIAL ARRAIGNMENT</i>	95C1313410002.tif pages
10/11/1995	 Information <i>INFORMATION</i>	95C1313410006.tif pages
10/11/1995	Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>	95C1313410027.tif pages
10/11/1995	Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>	95C1313410048.tif pages
10/11/1995	Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>	95C1313410099.tif pages
10/18/1995	Initial Arraignment (9:00 AM) Events: 10/10/1995 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH</i> <i>Heard By: A. William Maupin</i>	
11/08/1995	 Hearing <i>NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	95C1313410007.tif pages
11/14/1995	 Reporters Transcript <i>REPORTER'S TRANSCRIPT</i>	95C1313410010.tif pages
11/15/1995	Request (9:00 AM) Events: 11/08/1995 Hearing <i>NOTICE OF INTENT TO SEEK DEATH PENALTY Court Clerk: TINA HURD</i> <i>Reporter/Recorder: CONNIE MILLER Heard By: A. William Maupin</i>	
11/15/1995	Hearing <i>PRETRIAL CONFERENCE (VJ 4-24-96)</i>	95C1313410008.tif pages
11/15/1995	Conversion Case Event Type <i>ARGUMENT: ALL PENDING PRETRIAL MOTIONS (VJ 4-24-96)</i>	95C1313410009.tif pages
01/03/1996	 Request <i>MEDIA REQUEST</i>	95C1313410011.tif pages
01/03/1996	 Order <i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>	95C1313410012.tif pages

DEPARTMENT 5
CASE SUMMARY
CASE No. 95C131341

03/27/1996	 Order Filed By: Defendant Chappell, James M <i>STIPULATION REGARDING BRIEFING SCHEDULE AND ORDER</i>	95C1313410013.tif pages
04/15/1996	Motion <i>DEFT'S REQUEST TO CONTINUE TRIAL DATE</i>	95C1313410014.tif pages
04/17/1996	Motion to Continue (9:00 AM) Events: 04/15/1996 Motion <i>DEFT'S REQUEST TO CONTINUE TRIAL DATE Court Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM</i>	
04/23/1996	 Request Filed by: Defendant Chappell, James M <i>DEFENDANTS MOTION TO VACATE JUNE 3 1996 TRIAL DATE AND CONTINUE TRIAL UNTIL SEPTEMBER SEPTEMBER</i>	95C1313410015.tif pages
04/24/1996	Motion to Continue (9:00 AM) <i>DEFT'S REQUEST TO CONTINUE TRIAL DATE Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i>	
04/24/1996	Hearing <i>TRIAL SETTING</i>	95C1313410016.tif pages
04/26/1996	 Conversion Case Event Type <i>ORDER TO TRANSPORT</i>	95C1313410017.tif pages
05/01/1996	Conversion Hearing Type (9:00 AM) Events: 04/24/1996 Hearing <i>TRIAL SETTING Court Clerk: LORI BROWN Reporter/Recorder: JANICE LISTON Heard By: Gene Porter</i>	
05/01/1996	CANCELED Pre Trial Conference (10:30 AM) Events: 11/15/1995 Hearing <i>Vacated</i>	
05/01/1996	Conversion Case Event Type <i>ARGUMENT: PRETRIAL MOTIONS</i>	95C1313410020.tif pages
05/01/1996	Hearing <i>STATUS CHECK: TRIAL STATUS</i>	95C1313410021.tif pages
05/09/1996	Motion <i>STATE'S MOTION TO ADMIT EVIDENCE OF CRIMES, WRONGS, OR BAD ACTS</i>	95C1313410022.tif pages
05/09/1996	 Request <i>NOTICE OF MOTION AND MOTION TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR BAD ACTS ACTS</i>	95C1313410023.tif pages
05/09/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF MAY 1, 1996 OF TRIAL SETTING</i>	95C1313410024.tif pages
05/13/1996	CANCELED Hearing (9:00 AM) Events: 11/15/1995 Conversion Case Event Type <i>Vacated</i>	
05/22/1996	Motion to Admit Evidence (9:00 AM) Events: 05/09/1996 Motion	




DEPARTMENT 5
CASE SUMMARY
CASE No. 95C131341

STATE'S MOTION TO ADMIT EVIDENCE OF CRIMES, WRONGS, OR BAD ACTS
Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM



05/29/1996	<i>CANCELED Calendar Call (9:00 AM)</i> <i>Vacated</i>	
06/03/1996	<i>CANCELED Jury Trial (10:00 AM)</i> <i>Vacated</i>	
07/09/1996	Motion <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION</i>	95C1313410025.tif pages
07/09/1996	 Information <i>MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION</i>	95C1313410026.tif pages
07/15/1996	Conversion Hearing Type (9:00 AM) Events: 07/09/1996 Motion <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Court Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i>	
07/15/1996	 Order <i>ORDER TO ENDORSE NAMES ON INFORMATION</i>	95C1313410028.tif pages
07/23/1996	Motion <i>DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT</i>	95C1313410029.tif pages
07/23/1996	 Request Filed by: Defendant Chappell, James M <i>DEFENDANTS MOTION TO STRIKE STATES NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE THE PROCEDURE IN THIS CASE IS UNCONSTITUTIONAL BECAUSE THE PROCEDURE IN THIS CASE IS UNCONSTITUTIONAL</i>	95C1313410030.tif pages
07/30/1996	Motion <i>DEFT'S MOTION TO STRIKE ALLEGATIONS OF CERTAIN AGGRAVATING CIRCUMSTANCES ALLEGED</i>	95C1313410031.tif pages
07/30/1996	 Request Filed by: Defendant Chappell, James M <i>DEFENDANTS MOTION TO STRIKE ALLEGATIONS OF CERTAIN AGGRAVATING CIRCUMSTANCES ALLEGED IN STATES NOTICE OF INTENT TO SEEK DEATH PENALTY ALLEGED IN STATES NOTICE OF INTENT TO SEEK DEATH PENALTY</i>	95C1313410032.tif pages
07/31/1996	Motion <i>DEFT'S MOTION TO COMPEL DISCLOSURE OF ANY AND ALL INFO RE: AGGRAVATING FACTORS</i>	95C1313410033.tif pages
07/31/1996	 Request Filed by: Defendant Chappell, James M <i>MOTION TO COMPEL DISCLOSURE BY THE STATE OF ANY AND ALL INFORMATION RELATING TO AGGRAVATING OR MITIGATING FACTORS AGGRAVATING OR MITIGATING FACTORS</i>	95C1313410034.tif pages
08/19/1996	Motion <i>DEFT'S MOTION TO COMPEL EXAMINATION OF DEFT. BY OPTOMETRIST</i>	95C1313410035.tif pages
08/19/1996	 Request Filed by: Defendant Chappell, James M	95C1313410036.tif pages

DEPARTMENT 5
CASE SUMMARY
CASE No. 95C131341

*MOTION TO COMPEL EXAMINATION OF DEFENDANT BY OPTOMETRIST AND
OBTAIN EYE GLASSES IF NECESSARY EYE GLASSES IF NECESSARY*

08/22/1996	Motion <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION</i>	95C1313410037.tif pages
08/22/1996	 Information <i>MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION</i>	95C1313410038.tif pages
08/29/1996	Motion <i>STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD</i>	95C1313410039.tif pages
08/29/1996	 Request <i>NOTICE OF MOTION AND SUPPLEMENTAL MOTION TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR BAD ACTS CRIMES WRONGS OR BAD ACTS</i>	95C1313410040.tif pages
09/04/1996	Motion to Compel (9:00 AM) Events: 08/19/1996 Motion <i>DEFT'S MOTION TO COMPEL EXAMINATION OF DEFT. BY OPTOMETRIST Heard By: A. William Maupin</i>	
09/04/1996	Conversion Hearing Type (9:00 AM) Events: 08/22/1996 Motion <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Heard By: A. William Maupin</i>	
09/04/1996	Motion to Admit Evidence (9:00 AM) Events: 08/29/1996 Motion <i>STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD</i>	
09/04/1996	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 9-4-96 Court Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i>	
09/04/1996	 Order <i>ORDER TO ENDORSE NAMES ON INFORMATION</i>	95C1313410041.tif pages
09/06/1996	Motion <i>ALL PENDING MOTIONS 9-4-96</i>	95C1313410042.tif pages
09/10/1996	Motion <i>DEFT'S MOTION TO COMPEL PETROCELLI HEARING</i>	95C1313410043.tif pages
09/10/1996	 Opposition Filed By: Defendant Chappell, James M <i>DEFENDANTS OPPOSITION TO STATES MOTION TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR BAD ACTS WRONGS OR BAD ACTS</i>	95C1313410044.tif pages
09/10/1996	 Request Filed by: Defendant Chappell, James M <i>DEFENDANTS MOTION TO COMPEL PETROCELLI HEARING REGARDING ALLEGATIONS OF PRIOR BAD ACTS BAD ACTS</i>	95C1313410045.tif pages
09/10/1996	 Notice Filed By: Defendant Chappell, James M <i>DEFENDANTS OFFER TO STIPULATE TO CERTAIN FACTS</i>	95C1313410046.tif pages

DEPARTMENT 5
CASE SUMMARY
CASE No. 95C131341




09/11/1996	Hearing (9:00 AM) Events: 05/01/1996 Conversion Case Event Type <i>ARGUMENT: PRETRIAL MOTIONS</i>
09/11/1996	Motion to Admit Evidence (9:00 AM) <i>STATE'S MOTION TO ADMIT EVIDENCE OF CRIMES, WRONGS, OR BAD ACTS</i>
09/11/1996	Motion to Strike (9:00 AM) Events: 07/23/1996 Motion <i>DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT Heard By: A. William Maupin</i>
09/11/1996	Motion to Strike (9:00 AM) Events: 07/30/1996 Motion <i>DEFT'S MOTION TO STRIKE ALLEGATIONS OF CERTAIN AGGRAVATING CIRCUMSTANCES ALLEGED Heard By: A. William Maupin</i>
09/11/1996	Motion to Compel (9:00 AM) Events: 07/31/1996 Motion <i>DEFT'S MOTION TO COMPEL DISCLOSURE OF ANY AND ALL INFO RE: AGGRAVATING FACTORS Heard By: A. William Maupin</i>
09/11/1996	 Answer <i>ANSWER TO MOTION TO COMPEL DISCLOSURE BY THE STATE OF ANY AND ALL INFORMATION RELATING TO AGGRAVATING OR MITIGATING FACTORS RELATING TO AGGRAVATING OR MITIGATING FACTORS</i>
09/11/1996	 Opposition <i>OPPOSITION TO MOTION TO STRIKE ALLEGATIONS OF CERTAIN AGGRAVATING CIRCUMSTANCES ALLEGED IN STATES NOTICE OF INTENT TO SEEK DEATH PENALTY CIRCUMSTANCES ALLEGED IN STATES NOTICE OF INTENT TO SEEK DEATH PENALTY</i>
09/16/1996	Hearing (9:00 AM) <i>ARGUMENT: PRETRIAL MOTIONS</i>
09/16/1996	Motion to Admit Evidence (9:00 AM) <i>STATE'S MOTION TO ADMIT EVIDENCE OF CRIMES, WRONGS, OR BAD ACTS</i>
09/16/1996	Motion to Strike (9:00 AM) <i>DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT Heard By: A. William Maupin</i>
09/16/1996	Motion to Strike (9:00 AM) <i>DEFT'S MOTION TO STRIKE ALLEGATIONS OF CERTAIN AGGRAVATING CIRCUMSTANCES ALLEGED Heard By: A. William Maupin</i>
09/16/1996	Motion to Compel (9:00 AM) <i>DEFT'S MOTION TO COMPEL DISCLOSURE OF ANY AND ALL INFO RE: AGGRAVATING FACTORS Heard By: A. William Maupin</i>
09/16/1996	Motion to Admit Evidence (9:00 AM) <i>STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD</i>
09/16/1996	Motion to Compel (9:00 AM) Events: 09/10/1996 Motion <i>DEFT'S MOTION TO COMPEL PETROCELLI HEARING Heard By: A. William Maupin</i>
09/16/1996	All Pending Motions (9:00 AM)

95C1313410047.tif pages

95C1313410049.tif pages





DEPARTMENT 5
CASE SUMMARY
CASE No. 95C131341

ALL PENDING MOTIONS 9-16-96 Court Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin




09/16/1996	Motion <i>DEFT'S MOTION TO CONTINUE</i>	95C1313410050.tif pages
09/16/1996	Motion <i>ALL PENDING MOTIONS 9-16-96</i>	95C1313410051.tif pages
09/23/1996	Motion to Continue (9:00 AM) Events: 09/16/1996 Motion <i>DEFT'S MOTION TO CONTINUE Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i>	
09/25/1996	Status Check (9:00 AM) Events: 05/01/1996 Hearing <i>STATUS CHECK: TRIAL STATUS Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i>	
09/25/1996	 Order Filed By: Defendant Chappell, James M <i>ORDER</i>	95C1313410052.tif pages
09/27/1996	 Ex Parte Filed By: Defendant Chappell, James M <i>EX PARTE APPLICATION FOR TRANSCRIPT</i>	95C1313410053.tif pages
09/27/1996	 Order <i>ORDER (FOR TRANSCRIPT)</i>	95C1313410110.tif pages
09/30/1996	Hearing (9:00 AM) <i>ARGUMENT: PRETRIAL MOTIONS</i>	
09/30/1996	Motion to Strike (9:00 AM) <i>DEFT'S MOTION TO STRIKE STATE'S NOTICE OF INTENT Heard By: A. William Maupin</i>	
09/30/1996	Motion to Strike (9:00 AM) <i>DEFT'S MOTION TO STRIKE ALLEGATIONS OF CERTAIN AGGRAVATING CIRCUMSTANCES ALLEGED Heard By: A. William Maupin</i>	
09/30/1996	Motion to Compel (9:00 AM) <i>DEFT'S MOTION TO COMPEL DISCLOSURE OF ANY AND ALL INFO RE: AGGRAVATING FACTORS Heard By: A. William Maupin</i>	
09/30/1996	Motion to Compel (9:00 AM) <i>DEFT'S MOTION TO COMPEL PETROCELLI HEARING Heard By: A. William Maupin</i>	
09/30/1996	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 9-30-96 Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i>	
09/30/1996	Motion to Admit Evidence (11:00 AM) <i>STATE'S MOTION TO ADMIT EVIDENCE OF CRIMES, WRONGS, OR BAD ACTS</i>	
09/30/1996	Motion to Admit Evidence (11:00 AM) <i>STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD</i>	
09/30/1996	Motion	95C1313410054.tif pages

DEPARTMENT 5
CASE SUMMARY
CASE No. 95C131341









ALL PENDING MOTIONS 9-30-96

10/02/1996	Calendar Call (9:00 AM) <i>CALENDAR CALL Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i>	
10/04/1996	Motion <i>DEFT'S MOTION IN LIMINE RE EVENTS</i>	95C1313410055.tif pages
10/04/1996	Motion <i>DEFT'S MOTION IN LIMINE RE DETAILS OF DEFT'S RELEASE</i>	95C1313410056.tif pages
10/04/1996	 Request Filed by: Defendant Chappell, James M <i>DEFENDANTS MOTION IN LIMINE REGARDING DETAILS OF DEFENDANTS RELEASE FROM JAIL AND FACT THAT HE WAS ON PROBATION AND FACT THAT HE WAS ON PROBATION</i>	95C1313410057.tif pages
10/04/1996	 Request Filed by: Defendant Chappell, James M <i>DEFENDANTS MOTION IN LIMINE REGARDING EVENTS RELATED TO DEFENDANTS ARREST FOR SHOPLIFTING ON SEPTEMBER 1 1995 FOR SHOPLIFTING ON SEPTEMBER 1 1995</i>	95C1313410058.tif pages
10/04/1996	 Notice Filed By: Defendant Chappell, James M <i>SUMMARY OF JUROR QUESTIONNAIRE DEVELOPMENTS</i>	95C1313410061.tif pages
10/07/1996	Motion to Admit Evidence (11:00 AM) <i>STATE'S MOTION TO ADMIT EVIDENCE OF CRIMES, WRONGS, OR BAD ACTS Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH</i>	
10/07/1996	Motion to Admit Evidence (11:00 AM) <i>STATE'S SUPPLEMENTAL MOTION: ADMIT EVIDENCE OF OTHER CRIMES, WRONGS OR BAD</i>	
10/07/1996	Motion in Limine (11:00 AM) Events: 10/04/1996 Motion <i>DEFT'S MOTION IN LIMINE RE EVENTS Heard By: A. William Maupin</i>	
10/07/1996	Motion in Limine (11:00 AM) Events: 10/04/1996 Motion <i>DEFT'S MOTION IN LIMINE RE DETAILS OF DEFT'S RELEASE Heard By: A. William Maupin</i>	
10/07/1996	All Pending Motions (11:00 AM) <i>ALL PENDING MOTIONS 10-7-96 Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i>	
10/07/1996	Jury Trial (1:30 PM) <i>TRIAL BY JURY Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH / DANI ANTONACCI Heard By: MAUPIN, A. WILLIAM</i>	
10/07/1996	Motion <i>ALL PENDING MOTIONS 10-7-96</i>	95C1313410059.tif pages
10/07/1996	 Order <i>ORDER FOR TRANSCRIPT</i>	95C1313410063.tif pages













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10/08/1996	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH / LISA BRENSKE Heard By: MAUPIN, A. WILLIAM</i>	
10/08/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME I - MORNING SESSION</i>	95C1313410060.tif pages
10/08/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF TRIAL 2:35 PM</i>	95C1313410062.tif pages
10/09/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME II - AFTERNOON SESSION</i>	95C1313410064.tif pages
10/09/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME II - MORNING SESSION</i>	95C1313410065.tif pages
10/09/1996	 Expert Witness List <i>JURY LIST</i>	95C1313410066.tif pages
10/10/1996	Jury Trial (9:15 AM) <i>TRIAL BY JURY Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH / MARCIA LEONARD Heard By: MAUPIN, A. WILLIAM</i>	
10/10/1996	 Stipulation <i>STIPULATION TO CERTAIN FACTS</i>	95C1313410071.tif pages
10/11/1996	Jury Trial (11:00 AM) <i>TRIAL BY JURY Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH / MARCIA LEONARD Heard By: MAUPIN, A. WILLIAM</i>	
10/11/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME III - MORNING SESSION</i>	95C1313410067.tif pages
10/11/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME III - AFTERNOON SESSION</i>	95C1313410068.tif pages
10/11/1996	 Request <i>MEDIA REQUEST</i>	95C1313410069.tif pages
10/11/1996	 Order <i>ORDER GRANTING PERMISSON OF MEDIA ENTRY</i>	95C1313410070.tif pages
10/11/1996	 Request <i>DEFENDANTS MOTION TO DISMISS ALL CHARGES BASED ON THE STATES VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT</i>	95C1313410074.tif pages
10/14/1996	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH / LISA BRENSKE Heard By: MAUPIN, A. WILLIAM</i>	
10/14/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME IV - MORNING SESSION</i>	95C1313410072.tif pages
		95C1313410073.tif pages

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10/14/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME IV - AFTERNOON SESSION</i>	
10/14/1996	 Order <i>ORDER TO ENDORSE NAMES ON INFORMATION</i>	95C1313410077.tif pages
10/14/1996	 Information <i>MOTION AND NOTICE OF MOTION TO ENDORSE NAMES OF INFORMATION</i>	95C1313410078.tif pages
10/15/1996	Jury Trial (8:30 AM) <i>TRIAL BY JURY Court Clerk: TINA HURD Relief Clerk: CYNTHIA NAVARETTE-LORY Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM</i>	
10/15/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL VOLUME V AFTERNOON 2:30 PM</i>	95C1313410075.tif pages
10/15/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME V - MORNING SESSION</i>	95C1313410076.tif pages
10/16/1996	Jury Trial (8:30 AM) <i>TRIAL BY JURY Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Lee Gates</i>	
10/16/1996	Hearing <i>PENALTY HEARING</i>	95C1313410079.tif pages
10/16/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME VI</i>	95C1313410080.tif pages
10/16/1996	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	95C1313410082.tif pages
10/16/1996	 Verdict <i>VERDICT - COUNT I</i>	95C1313410083.tif pages
10/16/1996	 Verdict <i>VERDICT - COUNT II</i>	95C1313410084.tif pages
10/16/1996	 Verdict <i>VERDICT - COUNT III</i>	95C1313410085.tif pages
10/17/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JURY TRIAL VOLUME VII - VERDICT</i>	95C1313410081.tif pages
10/21/1996	Penalty Hearing (11:00 AM) Events: 10/16/1996 Hearing <i>PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH / CONNIE McCARTHY Heard By: MAUPIN, A. WILLIAM</i>	
10/22/1996	Penalty Hearing (11:00 AM) <i>PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM</i>	
10/22/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY PHASE VOLUME I - MORNING SESSION</i>	95C1313410086.tif pages

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10/22/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY PHASE VOLUME I - AFTERNOON SESSION</i>	95C1313410087.tif pages
10/23/1996	Penalty Hearing (8:45 AM) <i>PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM</i>	
10/23/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY PHASE VOLUME II</i>	95C1313410088.tif pages
10/23/1996	 Expert Witness List <i>AMENDED JURY LIST</i>	95C1313410098.tif pages
10/24/1996	Penalty Hearing (8:45 AM) <i>PENALTY HEARING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i>	
10/24/1996	Conversion Case Event Type <i>SENTENCING</i>	95C1313410089.tif pages
10/24/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY PHASE VOLUME III</i>	95C1313410091.tif pages
10/24/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PENALTY PHASE VOLUME IV - VERDICT</i>	95C1313410092.tif pages
10/24/1996	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	95C1313410093.tif pages
10/24/1996	 Instructions to the Jury <i>SUPPLEMENTAL INSTRUCTION</i>	95C1313410094.tif pages
10/24/1996	 Verdict <i>VERDICT</i>	95C1313410095.tif pages
10/24/1996	 Verdict <i>SPECIAL VERDICT</i>	95C1313410096.tif pages
10/24/1996	 Verdict <i>SPECIAL VERDICT</i>	95C1313410097.tif pages
12/11/1996	Sentencing (9:00 AM) Events: 10/24/1996 Conversion Case Event Type <i>SENTENCING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: GIBBONS, MICHAEL P</i>	
12/12/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DECEMBER 11, 1996 OF PROCEEDINGS</i>	95C1313410100.tif pages
12/27/1996	 Request Filed by: Defendant Chappell, James M <i>DEFENDANTS MOTION FOR STAY OF EXECUTION</i>	95C1313410101.tif pages

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12/30/1996 **Sentencing** (9:00 AM)
*SENTENCING Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By:
A. William Maupin*

12/30/1996  Order

Filed By: Defendant Chappell, James M
ORDER FOR STAY OF EXECUTION

95C1313410102.tif pages

12/30/1996 **Disposition** (Judicial Officer: User, Conversion)
1. BURGLARY.
Guilty
PCN: Sequence:

12/30/1996 **Disposition** (Judicial Officer: User, Conversion)

12/30/1996 **Disposition** (Judicial Officer: User, Conversion)
2. ROBBERY WITH A DEADLY WEAPON
Guilty
PCN: Sequence:

12/30/1996 **Disposition** (Judicial Officer: User, Conversion)








12/30/1996 **Disposition** (Judicial Officer: User, Conversion)
3. DEGREES OF MURDER
Guilty
PCN: Sequence:

12/30/1996 **Sentence** (Judicial Officer: User, Conversion)
1. BURGLARY.
Adult Adjudication
Converted Disposition:
Sentence# 0001:
Minimum 48 Months to Maximum 120 Months
Placement: NSP
Converted Disposition:
Sentence# 0002: CREDIT FOR TIME SERVED
Minimum 192 Days to Maximum 192 Days
Converted Disposition:
Sentence# 0003: RESTITUTION
Converted Disposition:
Sentence# 0004: ADMINISTRATION FEE
Amount: \$25.00







12/30/1996 **Sentence** (Judicial Officer: User, Conversion)
2. ROBBERY WITH A DEADLY WEAPON
Adult Adjudication
Converted Disposition:
Sentence# 0001:
Minimum 72 Months to Maximum 180 Months
Placement: NSP
Cons/Conc: Consecutive
w/Charge Item: 0001
and Sentence#: 0001
Converted Disposition:
Sentence# 0002:
Minimum 72 Months to Maximum 180 Months
Placement: NSP
Cons/Conc: Consecutive
w/Charge Item: 0002

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CASE No. 95C131341









and Sentence#: 0001

12/31/1996	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF DECEMBER 30, 1996 OF PROCEEDINGS</i>	95C1313410103.tif pages
12/31/1996	 Judgment <i>JUDGMENT OF CONVICTION</i>	95C1313410104.tif pages
12/31/1996	 Warrant <i>WARRANT OF EXECUTION</i>	95C1313410106.tif pages
12/31/1996	 Order <i>ORDER OF EXECUTION</i>	95C1313410107.tif pages
12/31/1996	Judgment <i>ADMINISTRATION/ASSESSMENT FEE</i>	95C1313410108.tif pages
01/17/1997	 Notice Filed By: Defendant Chappell, James M <i>NOTICE OF APPEAL</i>	95C1313410112.tif pages
01/23/1997	 Statement Filed by: Defendant Chappell, James M <i>CASE APPEAL STATEMENT</i>	95C1313410113.tif pages
03/17/1997	 Notice Filed By: Defendant Chappell, James M <i>NOTICE OF COMPLIANCE WITH SUPREME COURT RULE 250 REGARDING MEMORANDUM OF DEFENSE COUNSEL DEFENSE COUNSEL</i>	95C1313410115.tif pages
05/27/1997	 Order Filed By: Defendant Chappell, James M <i>STIPULATION AND ORDER</i>	95C1313410116.tif pages
10/19/1999	 Petition <i>DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS</i>	95C1313410119.tif pages
10/19/1999	 Request Filed by: Defendant Chappell, James M <i>MOTION FOR APPOINTMENT OF COUNSEL</i>	95C1313410120.tif pages
10/19/1999	 Request Filed by: Defendant Chappell, James M <i>MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i>	95C1313410121.tif pages
10/19/1999	 Conversion Case Event Type Party: Defendant Chappell, James M <i>DECLARATION IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS</i>	95C1313410122.tif pages
10/19/1999	 Request Filed by: Defendant Chappell, James M <i>MOTION TO PERMIT PETITION TO CONTAIN LEGAL CITATIONS</i>	95C1313410123.tif pages
10/19/1999		95C1313410124.tif pages






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	 Conversion Case Event Type Party: Defendant Chappell, James M <i>DECLARATION IN SUPPORT OF MOTION TO PERMIT PETITION TO CONTAIN LEGAL CITATIONS CITATIONS</i>	
10/20/1999	 Order <i>ORDER RE PETITION FOR WRIT OF HABEAS CORPUS</i>	95C1313410280.tif pages
10/29/1999	Hearing <i>AT THE REQUEST OF THE COURT: APPOINTMENT OF COUNSEL VJ 11/8/99</i>	95C1313410125.tif pages
11/02/1999	Motion <i>STATE'S MOTION TO APPOINT COUNSEL FOR CAPITAL MURDER DEFT TO HELP VL 11-12-99</i>	95C1313410126.tif pages
11/02/1999	 Request <i>NOTICE OF MOTION AND MOTION TO APPOINT COUNSEL FOR CAPITAL MURDER DEFENDANT HABEAS CORPUS POST-CONVICTION TO HELP PREPARE SUPPLEMENTAL POINTS AND AUTHORITIES FOR PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION TO HELP PREPARE SUPPLEMENTAL POINTS AND AUTHORITIES FOR PETITION FOR WRIT OF</i>	95C1313410127.tif pages
11/02/1999	Motion <i>STATE'S MOTION TO APPOINT COUNSEL FOR CAPITAL MURDER DEFT TO HELP PREPARE SUPP</i>	95C1313410128.tif pages
11/04/1999	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>NEVADA SUPREME COURT CLERKS CERTIFICATE/ JUDGMENT - AFFIRMED</i>	95C1313410130.tif pages
11/08/1999	Motion (9:00 AM) Events: 11/02/1999 Motion <i>STATE'S MOTION TO APPOINT COUNSEL FOR CAPITAL MURDER DEFT TO HELP VL 11-12-99 Court Clerk: TINA HURD Relief Clerk: JOSEPHINE BOHN/jb Reporter/Recorder: RENEE SILVAGGIO Heard By: Gibbons, Mark</i>	
11/15/1999	Motion (9:00 AM) Events: 11/02/1999 Motion <i>STATE'S MOTION TO APPOINT COUNSEL FOR CAPITAL MURDER DEFT TO HELP PREPARE SUPP Court Clerk: JOSEPHINE BOHN Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons</i>	
11/15/1999	Hearing <i>STATUS CHECK</i>	95C1313410129.tif pages
11/16/1999	CANCELED Request of Court (9:00 AM) Events: 10/29/1999 Hearing <i>Vacated</i>	
11/16/1999	Motion (9:00 AM) <i>STATE'S MOTION TO APPOINT COUNSEL FOR CAPITAL MURDER DEFT TO HELP VL 11-12-99</i>	
11/16/1999	 Reporters Transcript <i>REPORTER'S TRANSCRIPT</i>	95C1313410131.tif pages
11/16/1999	 Order Filed By: Defendant Chappell, James M <i>ORDER APPOINTING COUNSEL</i>	95C1313410132.tif pages

DEPARTMENT 5
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CASE No. 95C131341

11/19/1999	 Order <i>ORDER FOR TRANSCRIPT</i>	95C1313410133.tif pages
11/29/1999	 Order Filed By: Defendant Chappell, James M <i>AMENDED ORDER APPOINTING COUNSEL</i>	95C1313410134.tif pages
12/15/1999	Status Check (9:00 AM) Events: 11/15/1999 Hearing <i>STATUS CHECK Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Gibbons, Mark</i>	
12/16/1999	CANCELED Petition for Writ of Habeas Corpus (9:00 AM) Events: 10/19/1999 Petition <i>Vacated</i>	
12/16/1999	 Reporters Transcript <i>REPORTER'S TRANSCRIPT</i>	95C1313410279.tif pages
01/13/2000	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF STATE'S MOTIONS</i>	95C1313410135.tif pages
01/19/2000	Status Check (9:00 AM) <i>STATUS CHECK Court Clerk: TINA HURD Relief Clerk: AMBER FARLEY/AF Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>	
01/19/2000	Hearing <i>HEARING: WRIT (VJ 5/1/01)</i>	95C1313410136.tif pages
02/29/2000	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATUS CHECK</i>	95C1313410137.tif pages
06/27/2000	Hearing (9:00 AM) Events: 01/19/2000 Hearing <i>HEARING: WRIT (VJ 5/1/01) Court Clerk: AMBER FARLEY/AF Relief Clerk: GREER JENNISON Reporter/Recorder: PATSY SMITH Heard By: Gibbons, Mark</i>	
06/28/2000	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF JUNE 27, 2000 PROCEEDINGS</i>	95C1313410138.tif pages
07/13/2000	 Ex Parte Filed By: Defendant Chappell, James M <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS CONVICTION PROCEEDINGS</i>	95C1313410139.tif pages
07/24/2000	 Order Filed By: Defendant Chappell, James M <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES</i>	95C1313410140.tif pages
11/06/2000	Hearing (10:30 AM) <i>HEARING: WRIT (VJ 5/1/01) Court Clerk: Amber Farley Reporter/Recorder: Renee Silvaggio Heard By: Gibbons, Mark</i>	
02/12/2001	Hearing (10:30 AM) <i>HEARING: WRIT (VJ 5/1/01) Relief Clerk: JENNIFER LOTT Reporter/Recorder: TINA SMITH Heard By: Hardcastle, Kathy</i>	

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04/17/2001	 Motion <i>STATE'S MOTION TO PLACE ON CALENDAR</i>	95C1313410141.tif pages
05/01/2001	Motion (9:00 AM) Events: 04/17/2001 Motion <i>STATE'S MOTION TO PLACE ON CALENDAR Court Clerk: AMBER FARLEY/AF Relief Clerk: APRIL WATKINS Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons</i>	
05/01/2001	Hearing <i>STATUS CHECK: BRIEFING SCHEDULE</i>	95C1313410142.tif pages
05/17/2001	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS CONVICTION PROCEEDINGS</i>	95C1313410143.tif pages
05/24/2001	Hearing (10:30 AM) <i>HEARING: WRIT (VJ 5/1/01) Court Clerk: AMBER FARLEY/AF Relief Clerk: GREER JENNISON Reporter/Recorder: PATSY SMITH</i>	
06/07/2001	 Order Filed By: Defendant Chappell, James M <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES</i>	95C1313410145.tif pages
06/12/2001	Status Check (9:00 AM) Events: 05/01/2001 Hearing <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Gibbons, Mark</i>	
06/13/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF 06/12/01</i>	95C1313410144.tif pages
07/17/2001	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: JOYCE BROWN Relief Clerk: KRISTEN BROWN/kb Reporter/Recorder: CAT NELSON Heard By: Douglas, Michael L</i>	
07/19/2001	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: AMBER FARLEY Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>	
07/26/2001	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>	
08/28/2001	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF STATUS CHECK ON BRIEFING SCHEDULE</i>	95C1313410147.tif pages
09/13/2001	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: AMBER FARLEY/AF Relief Clerk: KEITH REED Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>	
11/01/2001	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Joyce Brown/jb Relief Clerk: Denise Husted Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>	
12/13/2001	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Joyce Brown/jb Relief Clerk: Cheryl Case Reporter/Recorder: Carrie Hansen Heard By: Douglas, Michael L</i>	

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02/05/2002	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Joyce Brown Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>	
03/05/2002	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Relief Clerk: Amber Farley Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>	
03/26/2002	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>	
04/09/2002	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Douglas, Michael L</i>	
04/11/2002	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS PROCEEDINGS</i>	95C1313410148.tif pages
04/12/2002	 Order Filed By: Defendant Chappell, James M <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES</i>	95C1313410149.tif pages
04/18/2002	Status Check (9:00 AM) <i>STATUS CHECK: BRIEFING SCHEDULE Court Clerk: Nora Pena Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>	
04/18/2002	Hearing <i>HEARING: WRIT</i>	95C1313410150.tif pages
04/30/2002	 Petition Filed by: Defendant Chappell, James M <i>SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION POINTS AND AUTHORITIES IS SUPPORT THEREOF AUTHORITIES IS SUPPORT THEREOF AUTHORITIES IS SUPPORT THEREOF AUTHORITIES IS SUPPORT THEREOF</i>	95C1313410151.tif pages
06/19/2002	 Response <i>STATES RESPONSE TO DEFENDANTS SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION HABEAS CORPUS POST CONVICTION</i>	95C1313410152.tif pages
07/08/2002	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS CONVICTION PROCEEDINGS</i>	95C1313410153.tif pages
07/10/2002	 Order Filed By: Defendant Chappell, James M <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES</i>	95C1313410154.tif pages
07/22/2002	Hearing (9:00 AM) Events: 04/18/2002 Hearing <i>HEARING: WRIT Heard By: Michael Douglas</i>	
07/25/2002	Hearing (9:00 AM)	

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*HEARING: WRIT Court Clerk: Nora Pena Relief Clerk: Jennifer Lott/jl
Reporter/Recorder: Cat Nelson Heard By: Michael Douglas*

07/25/2002	Hearing <i>EVIDENTIARY HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i>	95C1313410155.tif pages
07/30/2002	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR ORDER TO TRANSPORT PETITIONER</i>	95C1313410156.tif pages
07/31/2002	 Conversion Case Event Type Party: Defendant Chappell, James M <i>EX PARTE ORDER TO TRANSPORT PETITIONER</i>	95C1313410157.tif pages
08/19/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: HEARING WRIT</i>	95C1313410158.tif pages
09/13/2002	Evidentiary Hearing (8:45 AM) Events: 07/25/2002 Hearing <i>EVIDENTIARY HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Relief Clerk: Alan Castle Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>	
09/13/2002	Hearing <i>STATUS CHECK: SUPPLEMENT TO THE RECORD</i>	95C1313410159.tif pages
09/18/2002	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR APPOINTMENT OF INVESTIGATOR AND FOR EXCESS FEES</i>	95C1313410160.tif pages
09/24/2002	 Order Filed By: Defendant Chappell, James M <i>ORDER APPOINTING INVESTIGATOR AND GRANTING EXCESS FEES</i>	95C1313410161.tif pages
09/24/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE: EVIDENTIARY HEARING DEFTS PETITION FOR WRIT OF HABEAS CORPUS HABEAS CORPUS</i>	95C1313410162.tif pages
09/26/2002	 Acknowledgment Filed By: Defendant Chappell, James M <i>ACKNOWLEDGEMENT AND WAIVER</i>	95C1313410163.tif pages
10/01/2002	Status Check (9:00 AM) Events: 09/13/2002 Hearing <i>STATUS CHECK: SUPPLEMENT TO THE RECORD Court Clerk: Nora Pena Reporter/Recorder: Liz Garcia Heard By: Pavlikowski, Joseph S.</i>	
10/15/2002	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR CHANGE OF INVESTIGATOR EX PARTE MOTION FOR FEES IN EXCESS OF STATUTORY LIMIT AND EX PARTE MOTION FOR CONTACT VISITS IN EXCESS OF STATUTORY LIMIT AND EX PARTE MOTION FOR CONTACT VISITS</i>	95C1313410164.tif pages
10/17/2002	 Ex Parte Order Filed By: Defendant Chappell, James M <i>EX PARTE ORDER GRANTING CHANGE OF INVESTIGATOR FEES IN EXCESS OF</i>	95C1313410205.tif pages

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CASE No. 95C131341

	<i>STATUTORY LIMIT AND CONTACT VISITS STATUTORY LIMIT AND CONTACT VISITS</i>	
11/18/2002	 Application Filed By: Defendant Chappell, James M <i>EX PARTE APPLICATION TO UNSEAL PSI</i>	95C1313410166.tif pages
12/03/2002	Status Check (9:00 AM) <i>STATUS CHECK: SUPPLEMENT TO THE RECORD Court Clerk: Nora Pena Relief Clerk: Kristen Brown/kb Reporter/Recorder: Cat Nelson Heard By: Michael Douglas</i>	
12/03/2002	Hearing <i>STATUS CHECK: FILING OF AFFIDAVIT</i>	95C1313410167.tif pages
12/03/2002	 Ex Parte Order Filed By: Defendant Chappell, James M <i>EX PARTE ORDER TO UNSEAL PSI</i>	95C1313410168.tif pages
12/11/2002	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS CONVICTION PROCEEDINGS</i>	95C1313410169.tif pages
12/12/2002	 Order Filed By: Defendant Chappell, James M <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES</i>	95C1313410170.tif pages
12/23/2002	 Reporters Transcript <i>REPORTER'S TRANSCRIPT HEARING: WRIT</i>	95C1313410171.tif pages
01/21/2003	Status Check (9:00 AM) Events: 12/03/2002 Hearing <i>STATUS CHECK: FILING OF AFFIDAVIT Court Clerk: Nora Pena Relief Clerk: Sharon Chun/sc Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>	
02/03/2003	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS CONVICTION PROCEEDINGS</i>	95C1313410172.tif pages
02/04/2003	 Order Filed By: Defendant Chappell, James M <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES</i>	95C1313410173.tif pages
02/25/2003	Status Check (9:00 AM) <i>STATUS CHECK: FILING OF AFFIDAVIT Court Clerk: Nora Pena Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>	
03/07/2003	 Affidavit in Support Filed By: Defendant Chappell, James M <i>AFFIDAVITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS-POST CONVICTION</i>	95C1313410175.tif pages
03/10/2003	 Affidavit in Support Filed By: Defendant Chappell, James M <i>AFFIDAVITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS-POST CONVICTION</i>	95C1313410176.tif pages

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03/11/2003	Status Check (9:00 AM) <i>STATUS CHECK: FILING OF AFFIDAVIT Court Clerk: Carole D'Aloia Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>	
03/11/2003	Hearing <i>STATUS CHECK: STATE'S REVIEW OF AFFIDAVITS</i>	95C1313410174.tif pages
03/25/2003	Status Check (9:00 AM) Events: 03/11/2003 Hearing <i>STATUS CHECK: STATE'S REVIEW OF AFFIDAVITS Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>	
03/25/2003	Hearing <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)</i>	95C1313410177.tif pages
07/07/2003	Hearing (10:30 AM) Events: 03/25/2003 Hearing <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) Heard By: Michael Douglas</i>	
07/08/2003	Hearing (9:00 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) Court Clerk: Sharon Chun/sc Relief Clerk: Judy McFadden Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>	
07/14/2003	 Brief Filed By: Defendant Chappell, James M <i>POST EVIDENTIARY HEARING BRIEF</i>	95C1313410178.tif pages
09/02/2003	Hearing (9:00 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>	
09/02/2003	Minute Order (9:00 AM) <i>MINUTE ORDER RE: HEARING RE WRIT/44 Court Clerk: Sharon Chun Reporter/Recorder: Cindy Caldwell Heard By: Michael Douglas</i>	
09/02/2003	Hearing <i>STATUS CHECK: SET HEARING DATE RE DEFT'S PETITION FOR WRIT OF HABEAS COR(VL 9/18)</i>	95C1313410179.tif pages
09/02/2003	Hearing <i>MINUTE ORDER RE: HEARING RE WRIT/44</i>	95C1313410180.tif pages
09/02/2003	 Order <i>STIPULATION AND ORDER EXTENDING TIME</i>	95C1313410181.tif pages
10/07/2003	Hearing (9:00 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Michael Douglas</i>	
10/07/2003	Hearing <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/47</i>	95C1313410182.tif pages
10/21/2003	CANCELED Status Check (9:00 AM) Events: 09/02/2003 Hearing	

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	<i>Vacated</i>	
11/06/2003	Hearing (10:30 AM) Events: 10/07/2003 Hearing <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/47 Relief Clerk: Kristen Brown Reporter/Recorder: Julie Lever Heard By: Leavitt, Michelle</i>	
11/07/2003	Hearing <i>AT THE REQUEST OF THE COURT (VL 12/8/03)</i>	95C1313410184.tif pages
11/10/2003	Minute Order (0:00 AM) <i>MINUTE ORDER RE: CASE RETAINED BY DEPT XI Court Clerk: Sharon Chun Heard By: Michael Douglas</i>	
11/10/2003	Hearing <i>MINUTE ORDER RE: CASE RETAINED BY DEPT XI</i>	95C1313410185.tif pages
12/04/2003	Hearing (9:00 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/47 Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>	
12/11/2003	CANCELED Request of Court (9:00 AM) Events: 11/07/2003 Hearing <i>Vacated</i>	
01/22/2004	Hearing (9:00 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/47 Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>	
01/27/2004	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR INTERIM PAYMENT OF EXCESS ATTORNEYS FEES IN POST CONVICTION PROCEEDINGS CONVICTION PROCEEDINGS</i>	95C1313410187.tif pages
01/28/2004	 Order Filed By: Defendant Chappell, James M <i>ORDER GRANTING INTERIM PAYMENT OF EXCESS ATTORNEYS FEES</i>	95C1313410188.tif pages
02/26/2004	Hearing (9:00 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/47 Court Clerk: Sharon Chun Reporter/Recorder: Kit MacDonald Heard By: Douglas, Michael L</i>	
03/18/2004	Hearing (9:00 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/47 Heard By: Michael Douglas</i>	
03/25/2004	Hearing (9:00 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/47 Court Clerk: Sharon Chun Reporter/Recorder: Dick Kangas Heard By: Michael Douglas</i>	
04/02/2004	Hearing (9:00 AM) <i>HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)/47 Court Clerk: Sharon Chun Reporter/Recorder: Dick Kangas Heard By: Michael Douglas</i>	
04/08/2004		95C1313410189.tif pages

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	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR AN ORDER TO PRODUCE DEFENDANTS INSTITUTIONAL FILE</i>	
04/12/2004	 Ex Parte Order Filed By: Defendant Chappell, James M <i>EX PARTE ORDER TO PRODUCE INSTITUTIONAL FILE</i>	95C1313410190.tif pages
06/03/2004	 Judgment Filed By: Defendant Chappell, James M <i>FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER</i>	95C1313410192.tif pages
06/10/2004	 Notice of Entry of Decision and Order <i>NOTICE OF ENTRY OF DECISION AND ORDER</i>	95C1313410193.tif pages
06/18/2004	 Statement <i>CASE APPEAL STATEMENT</i>	95C1313410194.tif pages
06/18/2004	 Notice of Appeal <i>NOTICE OF APPEAL</i>	95C1313410195.tif pages
06/24/2004	 Statement Filed by: Defendant Chappell, James M <i>CASE APPEAL STATEMENT</i>	95C1313410196.tif pages
06/24/2004	 Notice Filed By: Defendant Chappell, James M <i>NOTICE OF CROSS APPEAL</i>	95C1313410197.tif pages
07/06/2004	 Request Filed by: Defendant Chappell, James M <i>EX PARTE MOTION FOR PAYMENT F FINAL ATTORNEYS FEES AND COSTS</i>	95C1313410198.tif pages
07/12/2004	 Order Filed By: Defendant Chappell, James M <i>ORDER GRANTING FINAL PAYMENT OF ATTORNEY FEES AND COSTS</i>	95C1313410199.tif pages
07/23/2004	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS</i>	95C1313410200.tif pages
07/23/2004	 Certificate <i>CERTIFICATE OF MAILING</i>	95C1313410201.tif pages
09/08/2004	Conversion Case Event Type <i>OPEN CASE</i>	95C1313410202.tif pages
05/05/2006	 Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	95C1313410207.tif pages
07/06/2006	Hearing <i>STATE'S REQUEST FOR PENALTY HEARING PER NV SUPREME COURT REMITTITUR/50</i>	95C1313410210.tif pages

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07/17/2006	Request (9:00 AM) Events: 07/06/2006 Hearing <i>STATE'S REQUEST FOR PENALTY HEARING PER NV SUPREME COURT REMITTITUR/50 Heard By: Jennifer Togliatti</i>	
07/17/2006	Minute Order (9:00 AM) <i>MINUTE ORDER RE: RECUSAL (IX) Court Clerk: Alan Castle/ac Relief Clerk: Kathy Klein Reporter/Recorder: Kristen Lunkwitz Heard By: Jennifer Togliatti</i>	
07/17/2006	Hearing <i>MINUTE ORDER RE: RECUSAL (IX)</i>	95C1313410211.tif pages
07/25/2006	Request (8:30 AM) <i>STATE'S REQUEST FOR PENALTY HEARING PER NV SUPREME COURT REMITTITUR/50 Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i>	
07/25/2006	Hearing <i>PENALTY HEARING</i>	95C1313410214.tif pages
08/24/2006	 Order Filed By: Defendant Chappell, James M <i>EX PARTE APPLICATION AND ORDER TO PRODUCE DEFENDANTS INSTITUTIONAL FILE</i>	95C1313410215.tif pages
09/20/2006	 Motion <i>DEFT'S MTN TO STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATE'S NTC/54</i>	95C1313410216.tif pages
09/20/2006	 Motion <i>DEFT'S MTN TO REMAND FOR CONSIDERATION BY DA'S DEATH REVIEW COMMITTEE/55</i>	95C1313410217.tif pages
09/20/2006	 Motion <i>DEFT'S MTN FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVID/56</i>	95C1313410218.tif pages
09/20/2006	 Motion <i>DEFT'S MTN IN LIMINE TO LIMIT PENALTY HEARING/57</i>	95C1313410219.tif pages
09/20/2006	 Motion <i>DEFT'S MTN TO ALLOW JURY QUESTINNARIRE/ 58</i>	95C1313410220.tif pages
09/20/2006	 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/59</i>	95C1313410221.tif pages
09/20/2006	 Motion <i>DEFT'S MTN TO DISMISS STATE'S NTC OF INTENT TO SEEK DEATH PENALTY/60</i>	95C1313410222.tif pages
09/21/2006	 Certificate Filed By: Defendant Chappell, James M <i>CERTIFICATE OF MAILING</i>	95C1313410223.tif pages
09/29/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS STATES NOTICE OF INTENT TO SEEK DEATH PENALTY BECAUSE NEVADAS DEATH PENALTY IS</i>	95C1313410224.tif pages

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UNCONSTITUTIONAL SEEK DEATH PENALTY BECAUSE NEVADAS DEATH
PENALTY IS UNCONSTITUTIONAL

09/29/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO REMAND FOR CONSIDERATION BY THE CLARK COUNTY DISTRICT ATTORNEYS DEATH REVIEW COMMITTEE CLARK COUNTY DISTRICT ATTORNEYS DEATH REVIEW COMMITTEE</i>	95C1313410225.tif pages
09/29/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO ALLOW JURY QUESTIONNAIRE</i>	95C1313410226.tif pages
09/29/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVIDENCE HEARING EVIDENCE</i>	95C1313410227.tif pages
09/29/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY OR IN THE ALTERNATIVE MOTION IN LIMINE TO ALLOW DEFENDANT TO INTRODUCE EVIDENCE IN DEFENSE OF SEXUAL ASSAULT THE STATES NOTICE OF INTENT TO SEEK THE DEATH PENALTY OR IN THE ALTERNATIVE MOTION IN LIMINE TO ALLOW DEFENDANT TO INTRODUCE EVIDENCE IN DEFENSE OF SEXUAL ASSAULT</i>	95C1313410228.tif pages
09/29/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION TO BIFURCATE PENALTY PHASE</i>	95C1313410229.tif pages
09/29/2006	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO LIMIT PENALTY HEARING EVIDENCE TO AVOID VIOLATION OF THE EIGHTH AMENDMENT AND DUE PROCESS RIGHT TO A FUNDAMENTALLY FAIR PENALTY HEARING EVIDENCE TO AVOID VIOLATION OF THE EIGHTH AMENDMENT AND DUE PROCESS RIGHT TO A FUNDAMENTALLY FAIR PENALTY HEARING</i>	95C1313410230.tif pages
10/03/2006	Motion to Strike (8:30 AM) Events: 09/20/2006 Motion <i>DEFT'S MTN TO STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATE'S NTC/54 Heard By: Michael Cherry</i>	
10/03/2006	Motion (8:30 AM) Events: 09/20/2006 Motion <i>DEFT'S MTN TO REMAND FOR CONSIDERATION BY DA'S DEATH REVIEW COMMITTEE/55 Heard By: Michael Cherry</i>	
10/03/2006	Motion (8:30 AM) Events: 09/20/2006 Motion <i>DEFT'S MTN FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVID/56 Heard By: Michael Cherry</i>	
10/03/2006	Motion in Limine (8:30 AM) Events: 09/20/2006 Motion <i>DEFT'S MTN IN LIMINE TO LIMIT PENALTY HEARING/57 Heard By: Michael Cherry</i>	
10/03/2006	Motion (8:30 AM) Events: 09/20/2006 Motion <i>DEFT'S MTN TO ALLOW JURY QUESTINNARIRE/ 58 Heard By: Michael Cherry</i>	

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10/03/2006	Motion to Bifurcate (8:30 AM) Events: 09/20/2006 Motion <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/59 Heard By: Michael Cherry</i>	
10/03/2006	Motion to Dismiss (8:30 AM) Events: 09/20/2006 Motion <i>DEFT'S MTN TO DISMISS STATE'S NTC OF INTENT TO SEEK DEATH PENALTY/60 Heard By: Michael Cherry</i>	
10/03/2006	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS (10/03/06) Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i>	
10/04/2006	Motion <i>ALL PENDING MOTIONS (10/03/06)</i>	95C1313410231.tif pages
11/02/2006	Motion to Strike (8:30 AM) <i>DEFT'S MTN TO STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATE'S NTC/54 Heard By: Michael Cherry</i>	
11/02/2006	Motion (8:30 AM) <i>DEFT'S MTN TO REMAND FOR CONSIDERATION BY DA'S DEATH REVIEW COMMITTEE/55 Heard By: Michael Cherry</i>	
11/02/2006	Motion (8:30 AM) <i>DEFT'S MTN FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVID/56 Heard By: Michael Cherry</i>	
11/02/2006	Motion in Limine (8:30 AM) <i>DEFT'S MTN IN LIMINE TO LIMIT PENALTY HEARING/57 Heard By: Michael Cherry</i>	
11/02/2006	Motion (8:30 AM) <i>DEFT'S MTN TO ALLOW JURY QUESTINNARIRE/ 58 Heard By: Michael Cherry</i>	
11/02/2006	Motion to Bifurcate (8:30 AM) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/59 Heard By: Michael Cherry</i>	
11/02/2006	Motion to Dismiss (8:30 AM) <i>DEFT'S MTN TO DISMISS STATE'S NTC OF INTENT TO SEEK DEATH PENALTY/60 Heard By: Michael Cherry</i>	
11/02/2006	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS (11/2/06) Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i>	
11/02/2006	Motion <i>ALL PENDING MOTIONS (11/2/06)</i>	95C1313410233.tif pages
11/03/2006	Motion <i>ALL PENDING MOTIONS (11/16/06) RESET Motions Before Judge Herdon_</i>	95C1313410232.tif pages
11/16/2006	Motion to Strike (8:30 AM) <i>DEFT'S MTN TO STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATE'S NTC/54 Heard By: Michael Cherry</i>	
11/16/2006	Motion (8:30 AM) <i>DEFT'S MTN TO REMAND FOR CONSIDERATION BY DA'S DEATH REVIEW COMMITTEE/55 Heard By: Michael Cherry</i>	
11/16/2006	Motion (8:30 AM)	










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	<i>DEFT'S MTN FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVID/56 Heard By: Michael Cherry</i>	
11/16/2006	Motion in Limine (8:30 AM) <i>DEFT'S MTN IN LIMINE TO LIMIT PENALTY HEARING/57 Heard By: Michael Cherry</i>	
11/16/2006	Motion (8:30 AM) <i>DEFT'S MTN TO ALLOW JURY QUESTINNARIRE/ 58 Heard By: Michael Cherry</i>	
11/16/2006	Motion to Bifurcate (8:30 AM) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/59 Heard By: Michael Cherry</i>	
11/16/2006	Motion to Dismiss (8:30 AM) <i>DEFT'S MTN TO DISMISS STATE'S NTC OF INTENT TO SEEK DEATH PENALTY/60 Heard By: Michael Cherry</i>	
11/16/2006	All Pending Motions (8:30 AM) Events: 11/03/2006 Motion <i>ALL PENDING MOTIONS (11/16/06) RESET Motions Before Judge Herdon Court Clerk: Theresa Lee Reporter/Recorder: Richard Kangas Heard By: Michael Cherry</i>	
01/11/2007	Motion to Strike (9:00 AM) <i>DEFT'S MTN TO STRIKE SEXUAL ASSAULT AGGRAVATOR OF THE STATE'S NTC/54 Heard By: Michael Cherry</i>	
01/11/2007	Motion (9:00 AM) <i>DEFT'S MTN TO REMAND FOR CONSIDERATION BY DA'S DEATH REVIEW COMMITTEE/55 Heard By: Michael Cherry</i>	
01/11/2007	Motion (9:00 AM) <i>DEFT'S MTN FOR DISCOVERY OF POTENTIAL PENALTY HEARING EVID/56 Heard By: Michael Cherry</i>	
01/11/2007	Motion in Limine (9:00 AM) <i>DEFT'S MTN IN LIMINE TO LIMIT PENALTY HEARING/57 Heard By: Michael Cherry</i>	
01/11/2007	Motion (9:00 AM) <i>DEFT'S MTN TO ALLOW JURY QUESTINNARIRE/ 58 Heard By: Michael Cherry</i>	
01/11/2007	Motion to Bifurcate (9:00 AM) <i>DEFT'S MTN TO BIFURCATE PENALTY PHASE/59 Heard By: Michael Cherry</i>	
01/11/2007	Motion to Dismiss (9:00 AM) <i>DEFT'S MTN TO DISMISS STATE'S NTC OF INTENT TO SEEK DEATH PENALTY/60 Heard By: Michael Cherry</i>	
01/11/2007	All Pending Motions (9:00 AM) <i>ALL PENDING MOTIONS 1/11/07 Court Clerk: Carol Green Relief Clerk: Carole D'Aloia/cd Reporter/Recorder: Sharon Howard Heard By: Douglas Herndon</i>	
01/11/2007	Motion <i>ALL PENDING MOTIONS 1/11/07</i>	95C1313410235.tif pages
01/23/2007	 Order Filed By: Defendant Chappell, James M <i>EX PARTE APPLICATION AND ORDER TO PREPARE TRANSCRIPTS</i>	95C1313410236.tif pages
01/25/2007	 Order Filed By: Defendant Chappell, James M <i>APPLICATION AND ORDER TO PRODUCE DEFT CHAPPELL</i>	95C1313410237.tif pages

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01/29/2007	 Order <i>ORDER</i>	95C1313410238.tif pages
02/06/2007	 Request Filed by: Defendant Chappell, James M <i>REQUEST FOR PREPARATION OF TRANSCRIPT OF PROCEEDINGS</i>	95C1313410239.tif pages
02/09/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES REQUEST FOR PENALTY HEARING PER NEVADA SUPREME COURT REMITTITUR COURT REMITTITUR</i>	95C1313410240.tif pages
02/09/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATUS CHECK RE HEARING ON DEFENDANTS MOTIONS</i>	95C1313410241.tif pages
02/09/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT HEARING ON MOTIONS</i>	95C1313410242.tif pages
02/09/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT HEARING ON DEFENDANTS MOTIONS</i>	95C1313410243.tif pages
02/13/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES REQUEST PER SUPREME COURT REMITTITUR</i>	95C1313410244.tif pages
02/15/2007	 Expert Witness List Filed By: Defendant Chappell, James M <i>NOTICE OF DEFENDANTS EXPERT WITNESS</i>	95C1313410245.tif pages
02/16/2007	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>	95C1313410246.tif pages
02/20/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF HEARING RE PRE PENALTY PHASE MOTIONS</i>	95C1313410247.tif pages
02/23/2007	 Notice of Intent to Seek Death Penalty <i>NOTICE OF EVIDENCE IN SUPPORT OF AGGRAVATING CIRCUMSTANCES</i>	95C1313410248.tif pages
02/28/2007	 Expert Witness List <i>NOTICE OF WITNESSES</i>	95C1313410249.tif pages
03/01/2007	 Expert Witness List Filed By: Defendant Chappell, James M <i>NOTICE OF DEFENDANTS WITNESSES [NRS 174.234(1)(B)]</i>	
03/08/2007	Calendar Call (9:00 AM) <i>CALENDAR CALL Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Douglas Herndon</i>	
03/12/2007	Penalty Hearing (10:00 AM) Events: 07/25/2006 Hearing <i>PENALTY HEARING Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</i>	

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03/13/2007	Penalty Hearing (10:00 AM) <i>PENALTY HEARING Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</i>	
03/13/2007	 Jury List <i>DISTRICT COURT JURY LIST</i>	95C1313410252.tif pages
03/14/2007	Penalty Hearing (11:00 AM) <i>PENALTY HEARING Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</i>	
03/15/2007	Penalty Hearing (9:00 AM) <i>PENALTY HEARING Court Clerk: Carol Donahoo Reporter/Recorder: Sharon Howard/Cheryl Gardner Heard By: Herndon, Douglas W</i>	
03/15/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING MORNING SESSION</i>	95C1313410264.tif pages
03/15/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT AFTERNOON SESSION</i>	95C1313410269.tif pages
03/16/2007	Penalty Hearing (9:00 AM) <i>PENALTY HEARING Court Clerk: Carol Donahoo Reporter/Recorder: Sharon Howard/Cheryl Gardner Heard By: Herndon, Douglas W</i>	
03/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT AFTERNOON SESSION</i>	95C1313410262.tif pages
03/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING MORNING SESSION</i>	95C1313410263.tif pages
03/19/2007	Penalty Hearing (11:00 AM) <i>PENALTY HEARING Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</i>	
03/19/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT AFTERNOON SESSION</i>	95C1313410266.tif pages
03/19/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING MORNING SESSION</i>	95C1313410267.tif pages
03/20/2007	Penalty Hearing (9:00 AM) <i>PENALTY HEARING Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Herndon, Douglas W</i>	
03/20/2007	 Order <i>ORDER</i>	95C1313410253.tif pages
03/20/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING</i>	95C1313410268.tif pages
03/21/2007	Penalty Hearing (9:00 AM) <i>PENALTY HEARING Court Clerk: Carol Green Reporter/Recorder: Sharon Howard Heard By: Douglas Herndon</i>	
03/21/2007	Conversion Case Event Type	95C1313410254.tif pages











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CASE No. 95C131341

	<i>SENTENCING</i>	
03/21/2007	 Verdict <i>SPECIAL VERDICT</i>	95C1313410255.tif pages
03/21/2007	 Verdict <i>SPECIAL VERDICT</i>	95C1313410256.tif pages
03/21/2007	 Verdict <i>SPECIAL VERDICT</i>	95C1313410257.tif pages
03/21/2007	 Judgment <i>VERDICT</i>	95C1313410258.tif pages
03/21/2007	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	95C1313410259.tif pages
03/21/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING</i>	95C1313410265.tif pages
03/22/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING VERDICT</i>	95C1313410270.tif pages
03/29/2007	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	95C1313410271.tif pages
04/09/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PRE PENALTY MOTIONS</i>	95C1313410272.tif pages
05/10/2007	Sentencing (9:00 AM) Events: 03/21/2007 Conversion Case Event Type <i>SENTENCING Relief Clerk: Katherine Streuber Reporter/Recorder: Sharon Howard</i> <i>Heard By: Douglas Herndon</i>	
05/10/2007	 Judgment <i>JUDGMENT OF CONVICTION</i>	95C1313410273.tif pages
05/10/2007	 Order <i>ORDER OF EXECUTION</i>	95C1313410274.tif pages
05/10/2007	 Warrant <i>WARRANT OF EXECUTION</i>	95C1313410275.tif pages
05/10/2007	 Notice <i>NOTICE OF DEATH</i>	95C1313410276.tif pages
05/10/2007	Disposition (Judicial Officer: User, Conversion) 3. MURDER WITH A DEADLY WEAPON Guilty PCN: Sequence:	
05/10/2007	Disposition (Judicial Officer: User, Conversion)	










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05/10/2007	Sentence (Judicial Officer: User, Conversion) 3. MURDER WITH A DEADLY WEAPON Adult Adjudication Converted Disposition: Sentence# 0001: DEATH PENALTY Cons/Conc: Consecutive w/Charge Item: 0002 and Sentence#: 0001 Converted Disposition: Sentence# 0002: SENTENCE AMENDED Converted Disposition: Sentence# 0003: DEATH PENALTY	
05/14/2007	 Order Filed By: Defendant Chappell, James M <i>ORDER TO STAY EXECUTION</i>	95C1313410278.tif pages
05/17/2007	 Request Filed by: Defendant Chappell, James M <i>REQUEST FOR PREPARATION OF TRANSCRIPT OF PROCEEDINGS</i>	95C1313410282.tif pages
05/23/2007	 Certificate Filed By: Defendant Chappell, James M <i>DECLARATION OF MAILING</i>	95C1313410284.tif pages
06/08/2007	 Statement Filed by: Defendant Chappell, James M <i>CASE APPEAL STATEMENT</i>	95C1313410285.tif pages
06/08/2007	 Notice of Appeal Filed By: Defendant Chappell, James M <i>NOTICE OF APPEAL</i>	95C1313410286.tif pages
07/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>	95C1313410287.tif pages
07/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING</i>	95C1313410288.tif pages
07/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PENALTY HEARING</i>	95C1313410289.tif pages
07/16/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT SENTENCING</i>	95C1313410290.tif pages
07/16/2007	 Reporters Transcript <i>CERTIFICATE ACKNOWLEDGING DELIVERY OF CERTIFIED TRANSCRIPT</i>	95C1313410291.tif pages
06/11/2010	 Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	95C1313410296.tif pages
06/11/2010	Judgment <i>CLERK'S CERTIFICATE REHEARING DENIED</i>	95C1313410297.tif pages
06/22/2010	 Petition	95C1313410298.tif pages

DEPARTMENT 5
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	Filed by: Defendant Chappell, James M <i>PETITION FOR WRIT FO HABEAS CORPUS - POST CONVICTION</i>	
07/09/2010	Petition <i>PTN FOR WRIT OF HABEAS CORPUS</i>	95C1313410300.tif pages
07/09/2010	 Order for Petition for Writ of Habeas Corpus <i>ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS</i>	95C1313410301.tif pages
09/28/2010	 Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Bell, Linda Marie) 09/28/2010, 10/05/2010, 11/09/2010, 08/09/2012 Events: 07/09/2010 Petition	
10/05/2010	Confirmation of Counsel (8:30 AM) (Judicial Officer: Glass, Jackie)	
10/05/2010	 All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie)	
11/09/2010	Status Check (8:30 AM) (Judicial Officer: Glass, Jackie) <i>Status Check: Set Briefing Schedule</i>	
11/09/2010	 All Pending Motions (8:30 AM) (Judicial Officer: Glass, Jackie)	
03/24/2011	 Motion Filed By: Defendant Chappell, James M	
04/05/2011	 Motion (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 03/24/2011 Motion <i>Motion to Place On Calendar To Extend the tTme to File A Supplemental Brief In Support Of Defendant's Writ of Habeas Corpus</i>	
06/24/2011	Case Reassigned to Department 25 <i>Case reassigned from Judge Jackie Glass</i>	
08/09/2011	 Motion for Order Extending Time Filed by: Defendant Chappell, James M <i>Motion to Place on Calendar to Extend the Time to File a Supplemental Brief in Support of Defendant's Writ of Habeas Corpus</i>	
08/23/2011	 Motion for Order Extending Time (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) Events: 08/09/2011 Motion for Order Extending Time <i>Motion to Place on Calendar to Extend the Time to File a Supplemental Brief in Support of Defendant's Writ of Habeas Corpus</i>	
12/12/2011	 Motion Filed By: Defendant Chappell, James M <i>Motion to Place on Calendar to Extend the Time to File a Supplemental Brief in Support of Defendant's Writ of Habeas Corpus</i>	
12/13/2011	 Status Check (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 12/13/2011, 02/14/2012, 05/24/2012 <i>Filing of the Supplemental Brief/Reset Hearing on Def't's Petition</i>	
12/22/2011	CANCELED Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated</i>	

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CASE NO. 95C131341















02/15/2012	 Supplemental Filed by: Defendant Chappell, James M <i>Supplemental Brief in Support of Defendant's Writ of Habeas Corpus</i>
02/15/2012	 Motion <i>Motion for Authorizatiion to Obtain an Investigator and for Payment of Fees Incurred Herein</i>
02/15/2012	 Motion Filed By: Defendant Chappell, James M <i>Motion for Authorization to Obtain Expert Services and For Payment of Fees Incurred Herein</i>
02/15/2012	 Motion Filed By: Defendant Chappell, James M <i>Motion for Authorization to Obtain a Sexual Expert and for Payment of Fees Incurrec Herein</i>
02/15/2012	 Motion for Discovery Filed By: Defendant Chappell, James M
02/28/2012	Motion (9:00 AM) (Judicial Officer: Bell, Linda Marie) 02/28/2012, 05/24/2012, 08/09/2012 Events: 02/15/2012 Motion <i>Defendant's Motion for Authorizatiion to Obtain an Investigator and for Payment of Fees Incurred Herein</i>
02/28/2012	Motion (9:00 AM) (Judicial Officer: Bell, Linda Marie) 02/28/2012, 05/24/2012, 08/09/2012 Events: 02/15/2012 Motion <i>Defendant's Motion for Authorization to Obtain Expert Services and For Payment of Fees Incurred Herein</i>
02/28/2012	Motion (9:00 AM) (Judicial Officer: Bell, Linda Marie) 02/28/2012, 05/24/2012, 08/09/2012 Events: 02/15/2012 Motion <i>Defendant's Motion for Authorization to Obtain a Sexual Assault Expert and for Payment of Fees Incurred Herein</i>
02/28/2012	Motion for Discovery (9:00 AM) (Judicial Officer: Bell, Linda Marie) 02/28/2012, 05/24/2012, 08/09/2012 Events: 02/15/2012 Motion for Discovery <i>Defendant's Motion for Discovery</i>
02/28/2012	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
05/16/2012	 Response Filed by: Plaintiff State of Nevada <i>State's Response To Defendant's Petition For Writ Of Habeas Corpus (Post -Conviction) And Defendant's Supplemental Brief In Support Of Defendant's Writ of Habeas Corpus</i>
05/16/2012	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition To Motion For Leave To Conduct Discovery</i>
05/16/2012	 Opposition to Motion Filed By: Plaintiff State of Nevada

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State's Opposition To Motion For Authorization To Obtain Sexual Assault Expert And Payment Of Fees, And Opposition To Motion For Investigator And Payment Of Fees


05/16/2012	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition To Motion For Authorization To Obtain Expert Services And Payment of Fees</i>
05/24/2012	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
07/30/2012	 Reply <i>Reply To State's Response To Supplemental Brief In Support Of Defendant's Writ Of Habeas Corpus</i>
08/06/2012	Case Reassigned to Department 7 <i>Case reassigned from Judge Delaney</i>
08/09/2012	 All Pending Motions (9:00 AM) (Judicial Officer: Bell, Linda Marie)
08/13/2012	 Notice of Change of Hearing
08/20/2012	 Notice <i>Notice Of Hearing</i>
08/29/2012	 Status Check (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
10/19/2012	 Argument (10:00 AM) (Judicial Officer: Ellsworth, Carolyn)
10/22/2012	 Notice of Appeal (criminal) Party: Defendant Chappell, James M <i>Notice of Appeal</i>
10/22/2012	 Case Appeal Statement Filed By: Defendant Chappell, James M <i>Case Appeal Statment</i>
10/29/2012	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript Re: Evidentiary Hearing: Argument -- 10-19-12</i>
11/16/2012	 Finding of Fact and Conclusions of Law Filed By: Plaintiff State of Nevada <i>Findings of Fact, Conclusions of Law and Order</i>
11/20/2012	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
01/08/2013	 Criminal Order to Statistically Close Case <i>Criminal Order To Statistically Close Case</i>
01/15/2013	 Recorders Transcript of Hearing <i>Recorder's Transcript Re: Status Check 8-29-12</i>


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CASE NO. 95C131341


11/20/2015	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed, Rehearing Denied</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Petition for Writ of Habeas Corpus Filed by: Defendant Chappell, James M <i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Petition for Writ of Habeas Corpus</i>
11/16/2016	 Exhibits


DEPARTMENT 5
CASE SUMMARY
CASE NO. 95C131341


Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus


11/16/2016  Exhibits
Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus


11/16/2016  Exhibits
Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus


11/16/2016  Exhibits
Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus


11/16/2016  Exhibits
Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus


11/16/2016  Exhibits
Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus

11/16/2016  Exhibits
Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus


11/16/2016  Exhibits
Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus


11/16/2016  Exhibits
Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus

11/17/2016  Exhibits
Filed By: Defendant Chappell, James M
Exhibits in Support of Petition for Writ of Habeas Corpus













11/18/2016  Errata
Filed By: Defendant Chappell, James M
NOTICE OF ERRATA WITH REGARD TO EXHIBIT 328 IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

01/04/2017  **Petition for Writ of Habeas Corpus (9:00 AM)** (Judicial Officer: Ellsworth, Carolyn)
01/04/2017, 08/07/2017, 10/09/2017

01/05/2017  Recorders Transcript of Hearing
Recorder's Transcript of Hearing Re: Petitioner's Petition for Writ of Habeas Corpus (Post Conviction) January 4, 2017

04/05/2017  Response
Filed by: Plaintiff State of Nevada
State's Response to Petition for Writ of Habeas Corpus (Post-Conviction).

DEPARTMENT 5
CASE SUMMARY
CASE No. 95C131341

07/05/2017	 Reply Filed by: Defendant Chappell, James M <i>Reply to State's Response to Petition for Writ of Habeas Corpus (Post Conviction); Exhibits</i>
07/14/2017	 Motion for Discovery Filed By: Defendant Chappell, James M <i>Motion and Notice of Motion for Leave to Conduct Discovery; Exhibits</i>
07/14/2017	 Motion Filed By: Defendant Chappell, James M <i>Motion and Notice of Motion for Evidentiary Hearing; Exhibits</i>
07/28/2017	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>Opposition to Motion for Discovery and for Evidentiary Hearing.</i>
07/31/2017	 Reply to Opposition Filed by: Defendant Chappell, James M <i>Reply to Opposition to Motions for Discovery and for Evidentiary Hearing</i>
08/07/2017	Motion for Leave (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) 08/07/2017, 10/09/2017 <i>Defendant's Motion for Leave to Conduct Discovery; Exhibits</i>
08/07/2017	Motion (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) 08/07/2017, 10/09/2017 <i>Defendant's Motion for Evidentiary Hearing; Exhibits</i>
08/07/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
09/29/2017	 Notice Filed By: Defendant Chappell, James M <i>Notice of Supplemental Authority</i>
10/05/2017	 Errata Filed By: Defendant Chappell, James M <i>NOTICE OF ERRATA WITH REGARD TO EXHIBIT 333 IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS</i>
10/09/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
10/12/2017	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript Of Hearing 10/09/17 Defendant's Motion For Leave To Conduct Discovery; Exhibits Defendant's Motion For Evidentiary Hearing; Exhibits Petitioner's Petition For Writ Of Habeas Corpus</i>
11/17/2017	 Recorders Transcript of Hearing <i>Recorder's Transcript Re: Defendant's Motion For Leave to Conduct Discovery: Exhibits/Defendant's Motion for Evidentiary Hearing: Exhibits/Petitioner's Petition for Writ of Habeas Corpus --Monday, August 7, 2017</i>
12/08/2017	 Application

DEPARTMENT 5
CASE SUMMARY
CASE NO. 95C131341

Filed By: Defendant Chappell, James M
Application for Issuance of a Certificate of Attendance of an Out of State Witness (Dr. Natalie Brown)

12/08/2017



Application

Filed By: Defendant Chappell, James M
Application for Issuance of a Certificate of Attendance of an Out of State Witness (Dr. Paul Connor)

12/08/2017



Application

Filed By: Defendant Chappell, James M
Application for Issuance of a Certificate of Attendance of an Out of State Witness (Dr. Julian Davis)

01/17/2018



Status Check (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

Status Check: Set Evidentiary Hearing Re: Petition for Writ of Habeas Corpus ... Motion for Leave to Conduct Discovery: Exhibits

01/18/2018



Recorders Transcript of Hearing

Recorder's Transcript Re: Defendant's Motion for Leave to Conduct Discovery: Exhibits/Defendant's Motion for Evidentiary Hearing: Exhibits/Petitioner's Petition for Writ of Habeas Corpus -- 7/7/17

01/23/2018



Recorders Transcript of Hearing

Recorder's Transcript Re: Status Check: Set Evidentiary Hearing Re: Petition for Writ of Habeas Corpus and Motion for Leave to Conduct Discovery: Exhibits -- 1-18-18

01/25/2018



Recorders Transcript of Hearing

Recorder's Transcript Re: Status Check: Set Evidentiary Hearing Re: Petition for Writ of Habeas Corpus and Motion for Leave to Conduct Discovery: Exhibits -- 1-18-18

02/27/2018



Waiver

Filed by: Defendant Chappell, James M
Waiver of Petitioner's Presence at Evidentiary Hearing

03/19/2018



Motion (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

Defendant's Motion for Leave to Conduct Discovery: Exhibits

04/05/2018



Recorders Transcript of Hearing

Recorder's Transcript Re: Defendant's Motion for Leave to Conduct Discovery: Exhibits - - 3-19-18

04/06/2018



Evidentiary Hearing (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)

Evidentiary Hearing: Petition for Writ of Habeas Corpus

04/27/2018



Brief

Filed By: Defendant Chappell, James M
Post - Hearing Brief in Support of Petition for Writ of Habeas Corpus

04/27/2018



Exhibits

Filed By: Defendant Chappell, James M
Exhibits 1 - 4 in Support of Post - Hearing Brief in Support of Writ of Habeas Corpus

05/04/2018



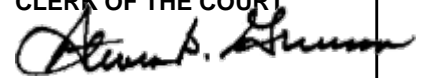
Brief

Filed By: Plaintiff State of Nevada

DEPARTMENT 5
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	<i>State's Post-Hearing Brief</i>	
05/09/2018	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Evidentiary Hearing: Petition for Writ of Habeas Corpus -- 4-6-18</i>	
05/11/2018	 Exhibits Filed By: Defendant Chappell, James M <i>Exhibits in Support of Post - Hearing Reply Brief</i>	
05/11/2018	 Reply Filed by: Defendant Chappell, James M <i>Post - Hearing Reply Brief</i>	
05/21/2018	 Hearing (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Re: Supplemental Briefing</i>	
06/08/2018	 Objection Filed By: Defendant Chappell, James M <i>Objection to State's Proposed Findings of Fact, Conclusions of Law</i>	
06/20/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing: Supplemental Briefing -- 5-21-18</i>	
08/08/2018	 Findings of Fact, Conclusions of Law and Order	
08/17/2018	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	
09/14/2018	 Case Appeal Statement Filed By: Defendant Chappell, James M <i>Case Appeal Statement</i>	
09/14/2018	 Notice of Appeal (criminal) Party: Defendant Chappell, James M <i>Notice of Appeal</i>	

DATE	FINANCIAL INFORMATION	
	Defendant Chappell, James M	
	Total Charges	25.00
	Total Payments and Credits	25.00
	Balance Due as of 9/19/2018	0.00



1 FFCO

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 JAMES CHAPPELL,)

6 Petitioner,)

CASE NO: 95C131341

7 -vs-)

DEPT NO: V

8 THE STATE OF NEVADA,)

9 Respondent.)

10 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

11 This Cause came on for hearing before the Honorable CAROLYN ELLSWORTH,
12 District Judge, on the 4th day of January, 2017, the petitioner was not present, represented by
13 BRAD D. LEVESON, Assistant Federal Public Defender, and the respondent was
14 represented by STEVEN B. WOLFSON, District Attorney, by and through STEVEN S.
15 OWENS, Chief Deputy District Attorney. The Court set a briefing schedule and continued
16 the matter. Thereafter, on the 7th day of August, 2017, the petitioner was not present,
17 represented by BRAD D. LEVESON, Assistant Federal Public Defender, and the respondent
18 was represented by STEVEN B. WOLFSON, District Attorney, by and through STEVEN S.
19 OWENS, Chief Deputy District Attorney. The Court continued the matter to review all of the
20 documents. On the 9th day of October, 2017, the petitioner was not present, represented by
21 BRAD D. LEVESON, Assistant Federal Public Defender, and the respondent was
22 represented by STEVEN B. WOLFSON, District Attorney, by and through STEVEN S.
23 OWENS, Chief Deputy District Attorney. The Court set the matter for a Status Check to set
24 an Evidentiary Hearing. Thereafter, an Evidentiary Hearing was set via email between
25 Counsel and the Court to be held on the 6th day of April, 2018. On the 6th day of April, 2018,
26 the petitioner was not present, represented by BRAD D. LEVESON, Assistant Federal
27 Public Defender, and the respondent being represented by STEVEN B. WOLFSON, District
28 Attorney, by and through STEVEN S. OWENS, Chief Deputy District Attorney. The Court

1 allowed for additional briefing on whether or not post-conviction counsel was ineffective.
2 Thereafter, on the 21st day of May, 2018, the petitioner not being present, represented by
3 BRAD D. LEVENSON, Assistant Federal Public Defender, and the respondent being
4 represented by STEVEN B. WOLFSON, District Attorney, by and through STEVEN S.
5 OWENS, Chief Deputy District Attorney, the Court having considered the matter, including
6 briefs, transcripts, arguments of counsel, and documents on file herein, now makes the
7 following findings of fact and conclusions of law:

8 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9 In 1996, Chappell was convicted of burglary, robbery, and murder and was sentenced
10 to death for sexually assaulting and then stabbing to death his ex-girlfriend, Deborah Panos,
11 in her own home. Chappell v. State, 114 Nev. 1403, 972 P.2d 838 (1998). On appeal, the
12 Nevada Supreme Court affirmed the defendant's convictions and sentence of death. Id.
13 Remittitur issued on October 26, 1999.

14 Chappell filed a first post-conviction petition for writ of habeas corpus which was
15 granted in part as to a new penalty hearing, but was denied in all other respects. The Nevada
16 Supreme Court affirmed on April 7, 2006 (Order of Affirmance, SC# 43493). Remittitur
17 issued on May 2, 2006. A new penalty hearing was conducted in March of 2007, at which a
18 new jury again returned a verdict of death which was affirmed on appeal (Order of
19 Affirmance, SC# 49478). Remittitur issued on June 8, 2010. A second post-conviction
20 petition for writ of habeas corpus was denied by written findings filed on November 16,
21 2012. On appeal, the Nevada Supreme Court affirmed on June 18, 2015 (Order of
22 Affirmance, SC# 61967). Remittitur issued on November 17, 2015.

23 Next, Chappell proceeded to federal court where he filed a federal habeas petition on
24 March 23, 2016, and the federal public defender was appointed. After amending the petition,
25 Chappell sought and obtained on November 1, 2016, a federal order granting a stay of
26 federal proceedings to allow exhaustion of claims in state court. Chappell then filed the
27 instant habeas petition in state court on November 16, 2016. The State filed a Response on
28 April 5, 2017, followed by Chappell's Reply on July 5, 2017. An evidentiary hearing was

1 held on April 6, 2018, which was followed by post-hearing briefs from both parties. This
2 Court orally denied the petition on May 21, 2018.

3 Most of the claims in the instant petition were already raised on direct appeal or in a
4 previous habeas petition, or should have been raised on direct appeal or in a previous habeas
5 petition. Accordingly, they are barred from being presented again or are waived. The one
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3 younger sister Mira, both testified that their mother had a drug problem. Trial Transcript, 3-
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10 Judicial scrutiny of counsel's performance must be highly deferential. Strickland v.
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15 of attorney performance requires that every effort be made to eliminate the distorting effects
16 of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to
17 evaluate the conduct from counsel's perspective at the time. Id. Because of the difficulties
18 inherent in making the evaluation, a court must indulge a strong presumption that counsel's
19 conduct falls within the wide range of reasonable professional assistance; that is, the
20 defendant must overcome the presumption that, under the circumstances, the challenged
21 action "might be considered sound trial strategy." Id.

22 There are "countless ways to provide effective assistance in any given case. Even the
23 best criminal defense attorneys would not defend a particular client in the same
24 way." Harrington v. Richter, 131 U.S. 770, 131 S.Ct. 770, 788-89 (2011). "[R]elying on
25 'the harsh light of hindsight' to cast doubt on a trial" that took place many years ago "is
26 precisely what Strickland . . . seek[s] to prevent." Id., 131 S.Ct. at 779. Moreover, "an
27 attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing
28 to prepare for remote possibilities." Id. Rare are the situations in which the "wide latitude

1 counsel must have in making tactical decisions” will be limited to any one technique or
2 approach. Id. In a capital case, there are any number of hypothetical experts—specialists in
3 psychiatry, psychology, ballistics, fingerprints, tire treads, physiology, or numerous other
4 disciplines and sub disciplines—whose insight might possibly have been useful. Id. But
5 counsel is entitled to formulate a strategy that is reasonable at the time and to balance limited
6 resources in accord with effective trial tactics and strategies. Id. Even if an expert
7 theoretically could support a client’s defense theory, a competent attorney may strategically
8 exclude it, consistent with effective assistance, if such expert may be fruitless or harmful to
9 the defense. Id. at 789-90.

10 To fairly assess counsel's performance, “[t]he reviewing court must try to avoid the
11 distorting effects of hindsight and evaluate the conduct under the circumstances and from
12 counsel's perspective at the time.” Foster v. State, 121 Nev. 165, 170, 111 P.3d 1083, 1086-
13 87 (2005). There is no requirement that trial counsel be clairvoyant. St. Pierre v. State, 96
14 Nev. 887, 892, 620 P.2d 1240, 1243 (1980). What appears by hindsight to be a wrong or
15 poorly advised decision of tactics or strategy is not sufficient to meet the defendant’s heavy
16 burden of proving ineffective counsel. “Judicial review of a lawyer’s representation is
17 highly deferential, and a defendant must overcome the presumption that a challenged action
18 might be considered sound strategy.” State v. LaPena, 114 Nev. 1159, 1166, 968 P.2d 750,
19 754 (1998), quoting from Strickland, 466 U.S. at 689, 104 S.Ct at 2052 (1984). The role of a
20 court in considering allegations of ineffective assistance of counsel is “not to pass upon the
21 merits of the action not taken but to determine whether, under the particular facts and
22 circumstances of the case, trial counsel failed to render reasonably effective assistance.”
23 Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711 (1978), citing Cooper v. Fitzharris,
24 551 F.2d 1162, 1166 (9th Cir. 1977).

25 Certainly, in denying the motions for fetal alcohol experts in prior post-conviction
26 proceedings, this Court faulted Oram’s motions as “non-specific,” “bare and conclusory,”
27 and found that the motions “failed to make any specific allegation as to what these experts
28 and investigators would uncover that could possibly change the outcome of [the] case.” FCL,

1 November 16, 2012, p. 5. But despite any shortcomings in the motions, this Court accepted
2 as true the allegation that Chappell did in fact suffer from Fetal Alcohol Syndrome and still
3 found that the failure to raise the argument did not amount to ineffective assistance of
4 counsel. The denial of this claim was unanimously affirmed on appeal. Additionally,
5 Chappell's claim that Oram ignored this Court's invitation to more fully support his motion
6 for a FASD expert is not persuasive. Oram testified at the Evidentiary Hearing on April 6,
7 2018 that he chose to focus on another topic because while other issues were important too,
8 he knew as a capital litigator "that if there are no aggravators you cannot sentence my client
9 to death." HT at 28, 12-15.

10 Furthermore, this Court finds no reasonable probability that, but for counsel's alleged
11 errors, the outcome of the proceedings would have been different. That a jury unanimously
12 returned a death verdict for the second time in this case when only one aggravating
13 circumstance remained demonstrates the aggravated nature and death quality of this
14 particular murder. When the death sentence was previously overturned, additional
15 mitigation evidence did not make a difference in the outcome of the case. While the
16 testimony regarding Fetal Alcohol Syndrome which was presented at the evidentiary hearing
17 was fascinating, the testimony was more explanatory of the etiology of the defendant's
18 deficits, rather than being substantially different than that heard by the jury in the
19 defendant's second penalty hearing. That Fetal Alcohol Syndrome may have been the cause
20 of the defendant's psychological, emotional and learning deficits, the jury nonetheless did
21 hear testimony concerning these deficits as reasons to mitigate against a penalty of death,
22 recognized and found that the defendant was born to a drug and alcohol addicted mother, and
23 "suffered a learning disability" as mitigating factors, but nonetheless found that they did not
24 outweigh the aggravating factor.

25 Even if a defendant can demonstrate that his counsel's representation fell below an
26 objective standard of reasonableness, he must still demonstrate prejudice and show a
27 reasonable probability that, but for counsel's errors, the result of the trial would have been
28 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999), *citing*

1 Strickland, 466 U.S. at 687. In assessing prejudice under Strickland, the question is not
2 whether a court can be certain counsel's performance had no effect on the outcome or
3 whether it is possible a reasonable doubt might have been established if counsel acted
4 differently. See Wong v. Belmontes, 558 U.S. 15, 27, 130 S. Ct. 383 (2009) (per curiam);
5 Strickland, 466 U.S., at 693, 104 S. Ct. 2052. Instead, Strickland asks whether it is
6 “reasonably likely” the result would have been different. Id., at 696, 104 S. Ct. 2052. The
7 likelihood of a different result must be substantial, not just conceivable. Id., at 693, 104 S.
8 Ct. 2052.

9 Under the Strickland standard, where the new evidence “would barely have altered
10 the sentencing profile presented,” there is no reasonable probability that the omitted evidence
11 would have changed the sentence imposed and relief is unwarranted. Strickland v.
12 Washington, 466 U.S. 668, 699-700, 104 S.Ct. 2052, 2071 (1984). There is no prejudice
13 under Strickland where the new evidence is “merely cumulative” of the evidence actually
14 presented. Wong v. Belmontes, 558 U.S. 15, 22-23, 130 S.Ct. 383, 387 (2009). In Wong v.
15 Belmontes, the jury was “well-acquainted with Belmontes’ background and potential
16 humanizing features” such that “[a]dditional evidence on these points would have offered an
17 insignificant benefit, if any at all.” Id. The Court firmly rejected the simplistic “more-
18 evidence-is-better” approach to assessing prejudice under Strickland. Id., 558 U.S. at 25,
19 130 S.Ct. at 389.

20 As discussed above, this Court is not persuaded that the new testimony regarding
21 Fetal Alcohol Syndrome would have persuaded the jury in this case to vote for a non-death
22 sentence. At best, additional evidence on Fetal Alcohol Syndrome would have served only
23 to add a little more weight to a mitigating factor two prior juries had already found to be
24 insufficient to overcome the death penalty. As was demonstrated by the prior reversal and
25 renewed death sentence by another jury, simply adding more mitigation to the equation
26 would have been inadequate to dissuade the jury from re-imposing the death penalty based
27 on the record and egregious facts of this murder.

28 //

ORDER

Based on the foregoing, the instant petition is untimely, presumptively prejudicial, waived and abusive without good cause and prejudice to overcome the procedural defaults. The motion to dismiss the petition is granted.

DATED this 8th day of August, 2018.

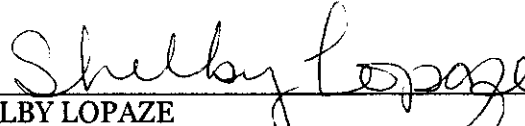

CAROLYN ELLSWORTH
DISTRICT JUDGE

CERTIFICATE OF SERVICE

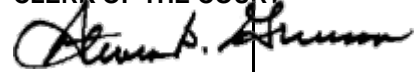
The undersigned hereby certifies that on the 8th of August, 2018 she served the foregoing Decision and Order by faxing, mailing, or electronically serving a copy to counsel as listed below:

Brad D. Levenson, Esq.
Federal Public Defender

Steven S. Owens
Chief Deputy District Attorney
Attorney for Plaintiff



SHELBY LOPAZE
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT V



NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JAMES M. CHAPPELL,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 95C131341

Dept No: V

Death Penalty

**NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

PLEASE TAKE NOTICE that on August 8, 2018, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on August 17, 2018.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 17 day of August 2018, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

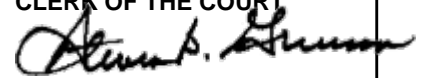
☒ The United States mail addressed as follows:

James Chappell # 52338
P.O. Box 1989
Ely, NV 89301

Rene L. Valladares
Federal Public Defender
411 E. Bonneville, Ste 250
Las Vegas, NV 89101

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk



1 FFCO

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 JAMES CHAPPELL,)

6 Petitioner,)

CASE NO: 95C131341

7 -vs-)

DEPT NO: V

8 THE STATE OF NEVADA,)

9 Respondent.)

10 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

11 This Cause came on for hearing before the Honorable CAROLYN ELLSWORTH,
12 District Judge, on the 4th day of January, 2017, the petitioner was not present, represented by
13 BRAD D. LEVESON, Assistant Federal Public Defender, and the respondent was
14 represented by STEVEN B. WOLFSON, District Attorney, by and through STEVEN S.
15 OWENS, Chief Deputy District Attorney. The Court set a briefing schedule and continued
16 the matter. Thereafter, on the 7th day of August, 2017, the petitioner was not present,
17 represented by BRAD D. LEVESON, Assistant Federal Public Defender, and the respondent
18 was represented by STEVEN B. WOLFSON, District Attorney, by and through STEVEN S.
19 OWENS, Chief Deputy District Attorney. The Court continued the matter to review all of the
20 documents. On the 9th day of October, 2017, the petitioner was not present, represented by
21 BRAD D. LEVESON, Assistant Federal Public Defender, and the respondent was
22 represented by STEVEN B. WOLFSON, District Attorney, by and through STEVEN S.
23 OWENS, Chief Deputy District Attorney. The Court set the matter for a Status Check to set
24 an Evidentiary Hearing. Thereafter, an Evidentiary Hearing was set via email between
25 Counsel and the Court to be held on the 6th day of April, 2018. On the 6th day of April, 2018,
26 the petitioner was not present, represented by BRAD D. LEVESON, Assistant Federal
27 Public Defender, and the respondent being represented by STEVEN B. WOLFSON, District
28 Attorney, by and through STEVEN S. OWENS, Chief Deputy District Attorney. The Court

1 allowed for additional briefing on whether or not post-conviction counsel was ineffective.
2 Thereafter, on the 21st day of May, 2018, the petitioner not being present, represented by
3 BRAD D. LEVENSON, Assistant Federal Public Defender, and the respondent being
4 represented by STEVEN B. WOLFSON, District Attorney, by and through STEVEN S.
5 OWENS, Chief Deputy District Attorney, the Court having considered the matter, including
6 briefs, transcripts, arguments of counsel, and documents on file herein, now makes the
7 following findings of fact and conclusions of law:

8 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9 In 1996, Chappell was convicted of burglary, robbery, and murder and was sentenced
10 to death for sexually assaulting and then stabbing to death his ex-girlfriend, Deborah Panos,
11 in her own home. Chappell v. State, 114 Nev. 1403, 972 P.2d 838 (1998). On appeal, the
12 Nevada Supreme Court affirmed the defendant's convictions and sentence of death. Id.
13 Remittitur issued on October 26, 1999.

14 Chappell filed a first post-conviction petition for writ of habeas corpus which was
15 granted in part as to a new penalty hearing, but was denied in all other respects. The Nevada
16 Supreme Court affirmed on April 7, 2006 (Order of Affirmance, SC# 43493). Remittitur
17 issued on May 2, 2006. A new penalty hearing was conducted in March of 2007, at which a
18 new jury again returned a verdict of death which was affirmed on appeal (Order of
19 Affirmance, SC# 49478). Remittitur issued on June 8, 2010. A second post-conviction
20 petition for writ of habeas corpus was denied by written findings filed on November 16,
21 2012. On appeal, the Nevada Supreme Court affirmed on June 18, 2015 (Order of
22 Affirmance, SC# 61967). Remittitur issued on November 17, 2015.

23 Next, Chappell proceeded to federal court where he filed a federal habeas petition on
24 March 23, 2016, and the federal public defender was appointed. After amending the petition,
25 Chappell sought and obtained on November 1, 2016, a federal order granting a stay of
26 federal proceedings to allow exhaustion of claims in state court. Chappell then filed the
27 instant habeas petition in state court on November 16, 2016. The State filed a Response on
28 April 5, 2017, followed by Chappell's Reply on July 5, 2017. An evidentiary hearing was

1 held on April 6, 2018, which was followed by post-hearing briefs from both parties. This
2 Court orally denied the petition on May 21, 2018.

3 Most of the claims in the instant petition were already raised on direct appeal or in a
4 previous habeas petition, or should have been raised on direct appeal or in a previous habeas
5 petition. Accordingly, they are barred from being presented again or are waived. The one
6 exception is claims of ineffective assistance of prior post-conviction counsel Chris Oram,
7 which might constitute good cause to overcome the bars. However, after an evidentiary
8 hearing on that issue, this Court concludes that there was no ineffectiveness of prior post-
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17 evaluate the conduct from counsel's perspective at the time. Id. Because of the difficulties
18 inherent in making the evaluation, a court must indulge a strong presumption that counsel's
19 conduct falls within the wide range of reasonable professional assistance; that is, the
20 defendant must overcome the presumption that, under the circumstances, the challenged
21 action "might be considered sound trial strategy." Id.

22 There are "countless ways to provide effective assistance in any given case. Even the
23 best criminal defense attorneys would not defend a particular client in the same
24 way." Harrington v. Richter, 131 U.S. 770, 131 S.Ct. 770, 788-89 (2011). "[R]elying on
25 'the harsh light of hindsight' to cast doubt on a trial" that took place many years ago "is
26 precisely what Strickland . . . seek[s] to prevent." Id., 131 S.Ct. at 779. Moreover, "an
27 attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing
28 to prepare for remote possibilities." Id. Rare are the situations in which the "wide latitude

1 counsel must have in making tactical decisions” will be limited to any one technique or
2 approach. Id. In a capital case, there are any number of hypothetical experts—specialists in
3 psychiatry, psychology, ballistics, fingerprints, tire treads, physiology, or numerous other
4 disciplines and sub disciplines—whose insight might possibly have been useful. Id. But
5 counsel is entitled to formulate a strategy that is reasonable at the time and to balance limited
6 resources in accord with effective trial tactics and strategies. Id. Even if an expert
7 theoretically could support a client’s defense theory, a competent attorney may strategically
8 exclude it, consistent with effective assistance, if such expert may be fruitless or harmful to
9 the defense. Id. at 789-90.

10 To fairly assess counsel's performance, “[t]he reviewing court must try to avoid the
11 distorting effects of hindsight and evaluate the conduct under the circumstances and from
12 counsel's perspective at the time.” Foster v. State, 121 Nev. 165, 170, 111 P.3d 1083, 1086-
13 87 (2005). There is no requirement that trial counsel be clairvoyant. St. Pierre v. State, 96
14 Nev. 887, 892, 620 P.2d 1240, 1243 (1980). What appears by hindsight to be a wrong or
15 poorly advised decision of tactics or strategy is not sufficient to meet the defendant’s heavy
16 burden of proving ineffective counsel. “Judicial review of a lawyer’s representation is
17 highly deferential, and a defendant must overcome the presumption that a challenged action
18 might be considered sound strategy.” State v. LaPena, 114 Nev. 1159, 1166, 968 P.2d 750,
19 754 (1998), quoting from Strickland, 466 U.S. at 689, 104 S.Ct at 2052 (1984). The role of a
20 court in considering allegations of ineffective assistance of counsel is “not to pass upon the
21 merits of the action not taken but to determine whether, under the particular facts and
22 circumstances of the case, trial counsel failed to render reasonably effective assistance.”
23 Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711 (1978), citing Cooper v. Fitzharris,
24 551 F.2d 1162, 1166 (9th Cir. 1977).

25 Certainly, in denying the motions for fetal alcohol experts in prior post-conviction
26 proceedings, this Court faulted Oram’s motions as “non-specific,” “bare and conclusory,”
27 and found that the motions “failed to make any specific allegation as to what these experts
28 and investigators would uncover that could possibly change the outcome of [the] case.” FCL,

1 November 16, 2012, p. 5. But despite any shortcomings in the motions, this Court accepted
2 as true the allegation that Chappell did in fact suffer from Fetal Alcohol Syndrome and still
3 found that the failure to raise the argument did not amount to ineffective assistance of
4 counsel. The denial of this claim was unanimously affirmed on appeal. Additionally,
5 Chappell's claim that Oram ignored this Court's invitation to more fully support his motion
6 for a FASD expert is not persuasive. Oram testified at the Evidentiary Hearing on April 6,
7 2018 that he chose to focus on another topic because while other issues were important too,
8 he knew as a capital litigator "that if there are no aggravators you cannot sentence my client
9 to death." HT at 28, 12-15.

10 Furthermore, this Court finds no reasonable probability that, but for counsel's alleged
11 errors, the outcome of the proceedings would have been different. That a jury unanimously
12 returned a death verdict for the second time in this case when only one aggravating
13 circumstance remained demonstrates the aggravated nature and death quality of this
14 particular murder. When the death sentence was previously overturned, additional
15 mitigation evidence did not make a difference in the outcome of the case. While the
16 testimony regarding Fetal Alcohol Syndrome which was presented at the evidentiary hearing
17 was fascinating, the testimony was more explanatory of the etiology of the defendant's
18 deficits, rather than being substantially different than that heard by the jury in the
19 defendant's second penalty hearing. That Fetal Alcohol Syndrome may have been the cause
20 of the defendant's psychological, emotional and learning deficits, the jury nonetheless did
21 hear testimony concerning these deficits as reasons to mitigate against a penalty of death,
22 recognized and found that the defendant was born to a drug and alcohol addicted mother, and
23 "suffered a learning disability" as mitigating factors, but nonetheless found that they did not
24 outweigh the aggravating factor.

25 Even if a defendant can demonstrate that his counsel's representation fell below an
26 objective standard of reasonableness, he must still demonstrate prejudice and show a
27 reasonable probability that, but for counsel's errors, the result of the trial would have been
28 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999), *citing*

1 Strickland, 466 U.S. at 687. In assessing prejudice under Strickland, the question is not
2 whether a court can be certain counsel's performance had no effect on the outcome or
3 whether it is possible a reasonable doubt might have been established if counsel acted
4 differently. See Wong v. Belmontes, 558 U.S. 15, 27, 130 S. Ct. 383 (2009) (per curiam);
5 Strickland, 466 U.S., at 693, 104 S. Ct. 2052. Instead, Strickland asks whether it is
6 “reasonably likely” the result would have been different. Id., at 696, 104 S. Ct. 2052. The
7 likelihood of a different result must be substantial, not just conceivable. Id., at 693, 104 S.
8 Ct. 2052.

9 Under the Strickland standard, where the new evidence “would barely have altered
10 the sentencing profile presented,” there is no reasonable probability that the omitted evidence
11 would have changed the sentence imposed and relief is unwarranted. Strickland v.
12 Washington, 466 U.S. 668, 699-700, 104 S.Ct. 2052, 2071 (1984). There is no prejudice
13 under Strickland where the new evidence is “merely cumulative” of the evidence actually
14 presented. Wong v. Belmontes, 558 U.S. 15, 22-23, 130 S.Ct. 383, 387 (2009). In Wong v.
15 Belmontes, the jury was “well-acquainted with Belmontes’ background and potential
16 humanizing features” such that “[a]dditional evidence on these points would have offered an
17 insignificant benefit, if any at all.” Id. The Court firmly rejected the simplistic “more-
18 evidence-is-better” approach to assessing prejudice under Strickland. Id., 558 U.S. at 25,
19 130 S.Ct. at 389.

20 As discussed above, this Court is not persuaded that the new testimony regarding
21 Fetal Alcohol Syndrome would have persuaded the jury in this case to vote for a non-death
22 sentence. At best, additional evidence on Fetal Alcohol Syndrome would have served only
23 to add a little more weight to a mitigating factor two prior juries had already found to be
24 insufficient to overcome the death penalty. As was demonstrated by the prior reversal and
25 renewed death sentence by another jury, simply adding more mitigation to the equation
26 would have been inadequate to dissuade the jury from re-imposing the death penalty based
27 on the record and egregious facts of this murder.

28 //

ORDER

Based on the foregoing, the instant petition is untimely, presumptively prejudicial, waived and abusive without good cause and prejudice to overcome the procedural defaults. The motion to dismiss the petition is granted.

DATED this 8th day of August, 2018.

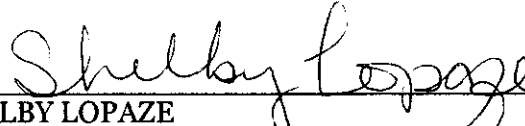

CAROLYN ELLSWORTH
DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th of August, 2018 she served the foregoing Decision and Order by faxing, mailing, or electronically serving a copy to counsel as listed below:

Brad D. Levenson, Esq.
Federal Public Defender

Steven S. Owens
Chief Deputy District Attorney
Attorney for Plaintiff



SHELBY LOPAZE
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT V

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 18, 1995**

95C131341

The State of Nevada vs James M Chappell

October 18, 1995**9:00 AM****Initial Arraignment****INITIAL
ARRAIGNMENT
Court Clerk: TINA
HURD
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Bassett, Kedric
Chappell, James M
Public Defender
Silver, AbbiAttorney
Defendant
Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 15, 1995**

95C131341

The State of Nevada vs James M Chappell

November 15, 1995**9:00 AM****Request****NOTICE OF INTENT
TO SEEK DEATH
PENALTY Court
Clerk: TINA HURD
Reporter/Recorder:
CONNIE MILLER
Heard By: A. William
Maupin****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Brooks, Howard S.
Chappell, James M
Public Defender
Silver, AbbiAttorney
Defendant
Attorney
Attorney**JOURNAL ENTRIES**

- 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. CUSTODY

5-1-96 10:30 AM PRETRIAL CONFERENCE

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 17, 1996**

95C131341

The State of Nevada vs James M Chappell

April 17, 1996**9:00 AM****Motion to Continue****DEFT'S REQUEST
TO CONTINUE
TRIAL DATE Court
Clerk: LORI BROWN
Reporter/Recorder:
PATSY SMITH
Heard By: MAUPIN,
A. WILLIAM****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Chappell, James M
Kephart, William D.
PUBDEF
Public DefenderDefendant
Attorney
Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 24, 1996**

95C131341

The State of Nevada vs James M Chappell

April 24, 1996**9:00 AM****Motion to Continue**

**DEFT'S REQUEST
TO CONTINUE
TRIAL DATE Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.
Chappell, James M
Public Defender
Silver, Abbi

Attorney
Defendant
Attorney
Attorney

JOURNAL ENTRIES

- 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 01, 1996**

95C131341

The State of Nevada vs James M Chappell

May 01, 1996**9:00 AM****Conversion Hearing Type****TRIAL SETTING****Court Clerk: LORI
BROWN****Reporter/Recorder:****JANICE LISTON****Heard By: Gene
Porter****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.
Chappell, James M
Public Defender

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 22, 1996**

95C131341

The State of Nevada vs James M Chappell

May 22, 1996**9:00 AM****Motion to Admit Evidence****STATE'S MOTION
TO ADMIT
EVIDENCE OF
CRIMES, WRONGS,
OR BAD ACTS
Court Clerk: TINA
HURD
Reporter/Recorder:
PATSY SMITH
Heard By: MAUPIN,
A. WILLIAM****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Public Defender

Attorney

Tobiasson, Melanie A.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 15, 1996**

95C131341

The State of Nevada vs James M Chappell

July 15, 1996**9:00 AM****Conversion Hearing Type****STATE'S MOTION
TO ENDORSE
NAMES ON
INFORMATION
Court Clerk: LORI
BROWN
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Public Defender

Attorney

Tobiasson, Melanie A.

Attorney

JOURNAL ENTRIES

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

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 04, 1996**

95C131341

The State of Nevada vs James M Chappell

September 04, 1996**9:00 AM****All Pending Motions****ALL PENDING****MOTIONS 9-4-96****Court Clerk: LORI
BROWN****Reporter/Recorder:
PATSY SMITH****Heard By: A. William
Maupin****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Chrysanthis, Alexandra C.

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 16, 1996

95C131341

The State of Nevada vs James M Chappell

September 16, 1996

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 9-16-96
Court Clerk: LORI
BROWN
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Brooks, Howard S.
Chappell, James M
Public Defender
Silver, Abbi

Attorney
Defendant
Attorney
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 23, 1996**

95C131341

The State of Nevada vs James M Chappell

September 23, 1996**9:00 AM****Motion to Continue****DEFT'S MOTION
TO CONTINUE****Court Clerk: TINA
HURD****Reporter/Recorder:
PATSY SMITH****Heard By: A. William
Maupin****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M

Defendant

Immerman, Stephen M.

Attorney

Kephart, William D.

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 25, 1996**

95C131341

The State of Nevada vs James M Chappell

September 25, 1996**9:00 AM****Status Check****STATUS CHECK:****TRIAL STATUS****Court Clerk: TINA****HURD****Reporter/Recorder:****PATSY SMITH****Heard By: A. William****Maupin****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Harmon, Melvyn T.

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

- Mr. Brooks stated he believes this can be dealt with after the hearing on the motions on Monday.

COURT ORDERED, matter OFF CALENDAR.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 30, 1996

95C131341

The State of Nevada vs James M Chappell

September 30, 1996

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 9-30-96
Court Clerk: TINA
HURD
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Brooks, Howard S.
Chappell, James M
Harmon, Melvyn T.
Public Defender
Silver, Abbi

Attorney
Defendant
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 02, 1996**

95C131341

The State of Nevada vs James M Chappell

October 02, 1996**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: TINA
HURD****Reporter/Recorder:****PATSY SMITH****Heard By: A. William
Maupin****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Brooks, Howard S.
Chappell, James M
Public Defender
Silver, AbbiAttorney
Defendant
Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 1996

95C131341

The State of Nevada vs James M Chappell

October 07, 1996

11:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 10-7-96**

**Court Clerk: TINA
HURD**

**Reporter/Recorder:
PATSY SMITH**

**Heard By: A. William
Maupin**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Brooks, Howard S.
Chappell, James M
Harmon, Melvyn T.
Public Defender
Silver, Abbi

Attorney
Defendant
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- 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.

PRINT DATE:

09/19/2018

Page 17 of 123

Minutes Date:

October 18, 1995

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 admissable 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 1996

95C131341

The State of Nevada vs James M Chappell

October 07, 1996

1:30 PM

Jury Trial

TRIAL BY JURY

Court Clerk: TINA
HURDReporter/Recorder:
PATSY SMITH/
DANI ANTONACCI
Heard By: MAUPIN,
A. WILLIAM

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**Brooks, Howard S.
Chappell, James M
Harmon, Melvyn T.
Public Defender
Silver, AbbiAttorney
Defendant
Attorney
Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 08, 1996**

95C131341

The State of Nevada vs James M Chappell

October 08, 1996**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: TINA
HURD****Reporter/Recorder:****PATSY SMITH /****LISA BRENSKE****Heard By: MAUPIN,
A. WILLIAM****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Harmon, Melvyn T.

Attorney

Public Defender

Attorney

Silver, Abbi

Attorney

JOURNAL ENTRIES

- 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 capital 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 1996

95C131341

The State of Nevada vs James M Chappell

October 10, 1996

9:15 AM

Jury Trial

TRIAL BY JURYCourt Clerk: TINA
HURD

Reporter/Recorder:

PATSY SMITH /

MARCIA LEONARD

Heard By: MAUPIN,
A. WILLIAM

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Harmon, Melvyn T.

Attorney

Public Defender

Attorney

Silver, Abbi

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 11, 1996**

95C131341

The State of Nevada vs James M Chappell

October 11, 1996**11:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: TINA
HURD****Reporter/Recorder:****PATSY SMITH /****MARCIA LEONARD****Heard By: MAUPIN,
A. WILLIAM****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Harmon, Melvyn T.

Attorney

Public Defender

Attorney

Silver, Abbi

Attorney

JOURNAL ENTRIES

- 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 14, 1996**

95C131341

The State of Nevada vs James M Chappell

October 14, 1996**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: TINA
HURD****Reporter/Recorder:****PATSY SMITH /****LISA BRENSKE****Heard By: MAUPIN,
A. WILLIAM****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Harmon, Melvyn T.

Attorney

Public Defender

Attorney

Silver, Abbi

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 15, 1996**

95C131341

The State of Nevada vs James M Chappell

October 15, 1996**8:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: TINA****HURD Relief Clerk:****CYNTHIA****NAVARETTE-LORY****Reporter/Recorder:****PATSY SMITH****Heard By: MAUPIN,****A. WILLIAM****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Harmon, Melvyn T.

Attorney

Public Defender

Attorney

Silver, Abbi

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 16, 1996**

95C131341

The State of Nevada vs James M Chappell

October 16, 1996**8:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: TINA****HURD****Reporter/Recorder:****PATSY SMITH****Heard By: Lee Gates****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.

Attorney

Chappell, James M

Defendant

Harmon, Melvyn T.

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 21, 1996**

95C131341

The State of Nevada vs James M Chappell

October 21, 1996**11:00 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH/
CONNIE
McCARTHY Heard
By: MAUPIN, A.
WILLIAM**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brooks, Howard S.
Chappell, James M
Harmon, Melvyn T.
Public Defender
Silver, Abbi

Attorney
Defendant
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 22, 1996

95C131341

The State of Nevada vs James M Chappell

October 22, 1996

11:00 AM

Penalty Hearing

**PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: MAUPIN,
A. WILLIAM**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Brooks, Howard S.
Chappell, James M
Harmon, Melvyn T.
Public Defender
Silver, Abbi

Attorney
Defendant
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- 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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 23, 1996

95C131341

The State of Nevada vs James M Chappell

October 23, 1996

8:45 AM

Penalty Hearing

**PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: MAUPIN,
A. WILLIAM**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Brooks, Howard S.
Chappell, James M
Harmon, Melvyn T.
Public Defender
Silver, Abbi

Attorney
Defendant
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 24, 1996

95C131341

The State of Nevada vs James M Chappell

October 24, 1996

8:45 AM

Penalty Hearing

**PENALTY
HEARING Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: A. William
Maupin**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Brooks, Howard S.
Chappell, James M
Harmon, Melvyn T.
Public Defender
Silver, Abbi

Attorney
Defendant
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 11, 1996**

95C131341

The State of Nevada vs James M Chappell

December 11, 1996**9:00 AM****Sentencing****SENTENCING****Court Clerk: TINA
HURD****Reporter/Recorder:****PATSY SMITH****Heard By: GIBBONS,
MICHAEL P****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Brooks, Howard S.
Chappell, James M
Public Defender
Silver, AbbiAttorney
Defendant
Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 30, 1996**

95C131341

The State of Nevada vs James M Chappell

December 30, 1996**9:00 AM****Sentencing****SENTENCING****Court Clerk: TINA
HURD****Reporter/Recorder:
PATSY SMITH****Heard By: A. William
Maupin****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- 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 in

open court.
NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 08, 1999**

95C131341

The State of Nevada vs James M Chappell

November 08, 1999**9:00 AM****Motion****STATE'S MOTION
TO APPOINT
COUNSEL FOR
CAPITAL MURDER
DEFT TO HELP VL
11-12-99 Court Clerk:
TINA HURD Relief
Clerk: JOSEPHINE
BOHN/jb
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Gibbons,
Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Robinson, Lynn M.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 15, 1999**

95C131341

The State of Nevada vs James M Chappell

November 15, 1999**9:00 AM****Motion****STATE'S MOTION
TO APPOINT
COUNSEL FOR
CAPITAL MURDER
DEFT TO HELP
PREPARE SUPP
Court Clerk:
JOSEPHINE BOHN
Reporter/Recorder:
PATSY SMITH
Heard By: Mark
Gibbons****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bowman, Clinton D.

Attorney

Brooks, Howard S.

Attorney

Public Defender

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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

12/15/99 9:00 AM STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 15, 1999**

95C131341

The State of Nevada vs James M Chappell

December 15, 1999**9:00 AM****Status Check****STATUS CHECK****Court Clerk: TINA
HURD****Reporter/Recorder:
PATSY SMITH****Heard By: Gibbons,
Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

Oram, Christopher R.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 19, 2000**

95C131341

The State of Nevada vs James M Chappell

January 19, 2000**9:00 AM****Status Check****STATUS CHECK****Court Clerk: TINA****HURD Relief Clerk:****AMBER FARLEY/AF****Reporter/Recorder:****RENEE SILVAGGIO****Heard By: Mark****Gibbons****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Peterson, Clark A.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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

6/27/00 9:00 AM HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 27, 2000**

95C131341

The State of Nevada vs James M Chappell

June 27, 2000**9:00 AM****Hearing****HEARING: WRIT
(VJ 5/1/01) Court
Clerk: AMBER
FARLEY/AF Relief
Clerk: GREER
JENNISON
Reporter/Recorder:
PATSY SMITH
Heard By: Gibbons,
Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bauer, Elizabeth B.

Attorney

Hawley, Lawrence E.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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 breifs; 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 06, 2000**

95C131341

The State of Nevada vs James M Chappell

November 06, 2000**10:30 AM****Hearing****HEARING: WRIT
(VJ 5/1/01) Court
Clerk: Amber Farley
Reporter/Recorder:
Renee Silvaggio
Heard By: Gibbons,
Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Robinson, Lynn M.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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:

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

Hearing date CONTINUED.

NDP

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2001**

95C131341

The State of Nevada vs James M Chappell

February 12, 2001**10:30 AM****Hearing****HEARING: WRIT
(VJ 5/1/01) Relief
Clerk: JENNIFER
LOTT
Reporter/Recorder:
TINA SMITH Heard
By: Hardcastle, Kathy****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Schieck, David M.
Sweetin, James R.Attorney
Attorney**JOURNAL ENTRIES**

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 01, 2001**

95C131341

The State of Nevada vs James M Chappell

May 01, 2001**9:00 AM****Motion**

**STATE'S MOTION
TO PLACE ON
CALENDAR Court
Clerk: AMBER
FARLEY/AF Relief
Clerk: APRIL
WATKINS
Reporter/Recorder:
RENEE SILVAGGIO
Heard By: Mark
Gibbons**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Rutledge, Brian S.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 12, 2001**

95C131341

The State of Nevada vs James M Chappell

June 12, 2001**9:00 AM****Status Check****STATUS CHECK:
BRIEFING
SCHEDULE Court
Clerk: TINA HURD
Reporter/Recorder:
PATSY SMITH
Heard By: Gibbons,
Mark****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Schieck, David M.
Simon, H. L.Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 17, 2001**

95C131341

The State of Nevada vs James M Chappell

July 17, 2001**9:00 AM****Status Check****STATUS CHECK:
BRIEFING
SCHEDULE Court
Clerk: JOYCE
BROWN Relief
Clerk: KRISTEN
BROWN/kb
Reporter/Recorder:
CAT NELSON
Heard By: Douglas,
Michael L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Sweetin, James R.

Attorney

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 19, 2001**

95C131341

The State of Nevada vs James M Chappell

July 19, 2001**9:00 AM****Status Check****STATUS CHECK:****BRIEFING****SCHEDULE Court****Clerk: AMBER****FARLEY****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

De La Garza, Melisa

Attorney

Oram, Christopher R.

Attorney

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 26, 2001**

95C131341

The State of Nevada vs James M Chappell

July 26, 2001**9:00 AM****Status Check****STATUS CHECK:
BRIEFING
SCHEDULE Court
Clerk: Joyce Brown
Reporter/Recorder:
Cat Nelson Heard
By: Douglas, Michael
L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Kosewicz, Cheryl L.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 13, 2001**

95C131341

The State of Nevada vs James M Chappell

September 13, 2001**9:00 AM****Status Check****STATUS CHECK:****BRIEFING****SCHEDULE Court****Clerk: AMBER****FARLEY/AF Relief****Clerk: KEITH REED****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Cram, Roger

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 01, 2001**

95C131341

The State of Nevada vs James M Chappell

November 01, 2001**9:00 AM****Status Check****STATUS CHECK:****BRIEFING****SCHEDULE Court****Clerk: Joyce****Brown/jb Relief****Clerk: Denise Husted****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Goettsch, Becky S.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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. ll-01-01/JB

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 13, 2001**

95C131341

The State of Nevada vs James M Chappell

December 13, 2001**9:00 AM****Status Check****STATUS CHECK:****BRIEFING****SCHEDULE Court****Clerk: Joyce****Brown/jb Relief****Clerk: Cheryl Case****Reporter/Recorder:****Carrie Hansen Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Goettsch, Becky S.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- Mr. Schieck advised he was trying to catch up after being in trials and would like more time.

COURT ORDERED matter CONTINUED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 05, 2002**

95C131341

The State of Nevada vs James M Chappell

February 05, 2002**9:00 AM****Status Check****STATUS CHECK:****BRIEFING****SCHEDULE Court****Clerk: Joyce Brown****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Schieck, David M.

Wall, David T.

Attorney

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 05, 2002**

95C131341

The State of Nevada vs James M Chappell

March 05, 2002**9:00 AM****Status Check****STATUS CHECK:****BRIEFING****SCHEDULE Relief****Clerk: Amber Farley****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Schieck, David M.

Wall, David T.

Attorney

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 26, 2002**

95C131341

The State of Nevada vs James M Chappell

March 26, 2002**9:00 AM****Status Check****STATUS CHECK:****BRIEFING****SCHEDULE Court****Clerk: Nora Pena****Reporter/Recorder:****Cat Nelson Heard****By: Douglas, Michael****L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lawson, Tamara F.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 09, 2002**

95C131341

The State of Nevada vs James M Chappell

April 09, 2002**9:00 AM****Status Check****STATUS CHECK:
BRIEFING
SCHEDULE Court
Clerk: Nora Pena
Reporter/Recorder:
Cat Nelson Heard
By: Douglas, Michael
L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Kosewicz, Cheryl L.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 18, 2002**

95C131341

The State of Nevada vs James M Chappell

April 18, 2002**9:00 AM****Status Check****STATUS CHECK:****BRIEFING****SCHEDULE Court****Clerk: Nora Pena****Reporter/Recorder:****Cat Nelson Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Kochevar, Brian J.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 25, 2002

95C131341

The State of Nevada vs James M Chappell

July 25, 2002

9:00 AM

Hearing

HEARING: WRIT**Court Clerk: Nora****Pena Relief Clerk:****Jennifer Lott/jl****Reporter/Recorder:****Cat Nelson Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Robinson, Lynn M.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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.

NDC

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 13, 2002**

95C131341

The State of Nevada vs James M Chappell

September 13, 2002**8:45 AM****Evidentiary Hearing****EVIDENTIARY
HEARING: DEFT'S
PETITION
FORWRIT OF
HABEAS CORPUS
Relief Clerk: Alan
Castle
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Robinson, Lynn M.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 01, 2002**

95C131341

The State of Nevada vs James M Chappell

October 01, 2002**9:00 AM****Status Check****STATUS CHECK:
SUPPLEMENT TO
THE RECORD Court
Clerk: Nora Pena
Reporter/Recorder:
Liz Garcia Heard By:
Pavlikowski, Joseph
S.****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Kochevar, Brian J.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 03, 2002**

95C131341

The State of Nevada vs James M Chappell

December 03, 2002**9:00 AM****Status Check****STATUS CHECK:
SUPPLEMENT TO
THE RECORD Court
Clerk: Nora Pena
Relief Clerk: Kristen
Brown/kb
Reporter/Recorder:
Cat Nelson Heard
By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Peterson, Clark A.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 21, 2003**

95C131341

The State of Nevada vs James M Chappell

January 21, 2003**9:00 AM****Status Check****STATUS CHECK:
FILING OF
AFFIDAVIT Court
Clerk: Nora Pena
Relief Clerk: Sharon
Chun/sc
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Pate, Susan
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 25, 2003**

95C131341

The State of Nevada vs James M Chappell

February 25, 2003**9:00 AM****Status Check****STATUS CHECK:
FILING OF
AFFIDAVIT Court
Clerk: Nora Pena
Relief Clerk:
Georgette Byrd/gb
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Coumou, Frank
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 11, 2003**

95C131341

The State of Nevada vs James M Chappell

March 11, 2003**9:00 AM****Status Check**

**STATUS CHECK:
FILING OF
AFFIDAVIT Court
Clerk: Carole D'Aloia
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Peterson, Clark A.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 25, 2003**

95C131341

The State of Nevada vs James M Chappell

March 25, 2003**9:00 AM****Status Check**

**STATUS CHECK:
STATE'S REVIEW
OF AFFIDAVITS
Court Clerk: Sharon
Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Peterson, Clark A.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- 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.

PRINT DATE:

09/19/2018

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Minutes Date:

October 18, 1995

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 08, 2003**

95C131341

The State of Nevada vs James M Chappell

July 08, 2003**9:00 AM****Hearing****HEARING: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS (POST
CONVICTION)
Court Clerk: Sharon
Chun/sc Relief
Clerk: Judy
McFadden
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Pate, Susan
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 02, 2003**

95C131341

The State of Nevada vs James M Chappell

September 02, 2003**9:00 AM****Minute Order****MINUTE ORDER
RE: HEARING RE
WRIT/44 Court
Clerk: Sharon Chun
Reporter/Recorder:
Cindy Caldwell
Heard By: Michael
Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Pate, Susan
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 07, 2003**

95C131341

The State of Nevada vs James M Chappell

October 07, 2003**9:00 AM****Hearing****HEARING: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS (POST
CONVICTION)
Court Clerk: Sharon
Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Michael
Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Peterson, Clark A.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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)

PRINT DATE:

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Minutes Date:

October 18, 1995

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 06, 2003**

95C131341

The State of Nevada vs James M Chappell

November 06, 2003**10:30 AM****Hearing****HEARING: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS (POST
CONVICTION)/47
Relief Clerk: Kristen
Brown
Reporter/Recorder:
Julie Lever Heard
By: Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Schieck, David M.
Turner, Robert B.Attorney
Attorney**JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 10, 2003**

95C131341

The State of Nevada vs James M Chappell

November 10, 2003**12:00 AM****Minute Order****MINUTE ORDER****RE: CASE****RETAINED BY DEPT****XI Court Clerk:****Sharon Chun Heard****By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

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

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 04, 2003**

95C131341

The State of Nevada vs James M Chappell

December 04, 2003**9:00 AM****Hearing****HEARING: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS (POST
CONVICTION)/47
Court Clerk: Sharon
Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Peterson, Clark A.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 22, 2004**

95C131341

The State of Nevada vs James M Chappell

January 22, 2004**9:00 AM****Hearing****HEARING: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS (POST
CONVICTION)/47
Court Clerk: Sharon
Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 26, 2004**

95C131341

The State of Nevada vs James M Chappell

February 26, 2004**9:00 AM****Hearing****HEARING: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS (POST
CONVICTION)/47
Court Clerk: Sharon
Chun
Reporter/Recorder:
Kit MacDonald
Heard By: Douglas,
Michael L****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 02, 2004**

95C131341

The State of Nevada vs James M Chappell

April 02, 2004**9:00 AM****Hearing****HEARING: DEFT'S
PETITION FOR
WRIT OF HABEAS
CORPUS (POST
CONVICTION)/47
Court Clerk: Sharon
Chun
Reporter/Recorder:
Dick Kangas Heard
By: Michael Douglas****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Peterson, Clark A.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

- 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.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 17, 2006**

95C131341

The State of Nevada vs James M Chappell

July 17, 2006**9:00 AM****Minute Order**

**MINUTE ORDER
RE: RECUSAL (IX)
Court Clerk: Alan
Castle/ac Relief
Clerk: Kathy Klein
Reporter/Recorder:
Kristen Lunkwitz
Heard By: Jennifer
Togliatti**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brierly, Tracey J.
Schieck, David M.

Attorney
Attorney

JOURNAL ENTRIES

- 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's 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 25, 2006**

95C131341

The State of Nevada vs James M Chappell

July 25, 2006**8:30 AM****Request****STATE'S REQUEST
FOR PENALTY
HEARING PER NV
SUPREME COURT
REMITTITUR/50
Court Clerk: Theresa
Lee
Reporter/Recorder:
Richard Kangas
Heard By: Michael
Cherry****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Hendricks, Craig L.
Schieck, David M.Attorney
Attorney**JOURNAL ENTRIES**

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

NDC

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 03, 2006**

95C131341

The State of Nevada vs James M Chappell

October 03, 2006**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS (10/03/06)
Court Clerk: Theresa
Lee
Reporter/Recorder:
Richard Kangas
Heard By: Michael
Cherry**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Patrick, Clark W.
Raines, Eric M.

Attorney
Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 02, 2006**

95C131341

The State of Nevada vs James M Chappell

November 02, 2006**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS (11/2/06)
Court Clerk: Theresa
Lee
Reporter/Recorder:
Richard Kangas
Heard By: Michael
Cherry**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Keeler, Brett O.
Patrick, Clark W.

Attorney
Attorney

JOURNAL ENTRIES

- 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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2006

95C131341

The State of Nevada vs James M Chappell

November 16, 2006

8:30 AM

All Pending Motions

**ALL PENDING
MOTIONS (11/16/06)
RESET Motions
Before Judge
Herdon_ Court
Clerk: Theresa Lee
Reporter/Recorder:
Richard Kangas
Heard By: Michael
Cherry**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Keeler, Brett O.

Attorney

Patrick, Clark W.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 11, 2007**

95C131341

The State of Nevada vs James M Chappell

January 11, 2007**9:00 AM****All Pending Motions****ALL PENDING
MOTIONS 1/11/07
Court Clerk: Carol
Green Relief Clerk:
Carole D'Aloia/cd
Reporter/Recorder:
Sharon Howard
Heard By: Douglas
Herndon****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M

Defendant

Patrick, Clark W.

Attorney

Schieck, David M.

Attorney

Weckerly, Pamela C.

Attorney

JOURNAL ENTRIES**- 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**

PRINT DATE:

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Minutes Date:

October 18, 1995

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
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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 08, 2007**

95C131341

The State of Nevada vs James M Chappell

March 08, 2007**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: Carol
Green****Reporter/Recorder:****Sharon Howard****Heard By: Douglas
Herndon****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M

Defendant

Patrick, Clark W.

Attorney

Schieck, David M.

Attorney

Weckerly, Pamela C.

Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 12, 2007**

95C131341

The State of Nevada vs James M Chappell

March 12, 2007**10:00 AM****Penalty Hearing****PENALTY
HEARING Court
Clerk: Carol Green
Reporter/Recorder:
Sharon Howard
Heard By: Herndon,
Douglas W****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M	Defendant
Owens, Christopher J.	Attorney
Patrick, Clark W.	Attorney
Schieck, David M.	Attorney
Weckerly, Pamela C.	Attorney

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 13, 2007**

95C131341

The State of Nevada vs James M Chappell

March 13, 2007**10:00 AM****Penalty Hearing****PENALTY
HEARING Court
Clerk: Carol Green
Reporter/Recorder:
Sharon Howard
Heard By: Herndon,
Douglas W****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M	Defendant
Owens, Christopher J.	Attorney
Patrick, Clark W.	Attorney
Schieck, David M.	Attorney
Weckerly, Pamela C.	Attorney

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 14, 2007**

95C131341

The State of Nevada vs James M Chappell

March 14, 2007**11:00 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: Carol Green
Reporter/Recorder:
Sharon Howard
Heard By: Herndon,
Douglas W**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M	Defendant
Owens, Christopher J.	Attorney
Patrick, Clark W.	Attorney
Schieck, David M.	Attorney
Weckerly, Pamela C.	Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 15, 2007**

95C131341

The State of Nevada vs James M Chappell

March 15, 2007**9:00 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: Carol
Donahoo
Reporter/Recorder:
Sharon
Howard/Cheryl
Gardner Heard By:
Herndon, Douglas W**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M	Defendant
Owens, Christopher J.	Attorney
Patrick, Clark W.	Attorney
Schieck, David M.	Attorney
Weckerly, Pamela C.	Attorney

JOURNAL ENTRIES

- 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).

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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 16, 2007**

95C131341

The State of Nevada vs James M Chappell

March 16, 2007**9:00 AM****Penalty Hearing****PENALTY
HEARING Court
Clerk: Carol
Donahoo
Reporter/Recorder:
Sharon
Howard/Cheryl
Gardner Heard By:
Herndon, Douglas W****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M	Defendant
Owens, Christopher J.	Attorney
Patrick, Clark W.	Attorney
Schieck, David M.	Attorney
Weckerly, Pamela C.	Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 19, 2007**

95C131341

The State of Nevada vs James M Chappell

March 19, 2007**11:00 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: Carol Green
Reporter/Recorder:
Sharon Howard
Heard By: Herndon,
Douglas W**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M	Defendant
Owens, Christopher J.	Attorney
Patrick, Clark W.	Attorney
Schieck, David M.	Attorney
Weckerly, Pamela C.	Attorney

JOURNAL ENTRIES

- 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 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 20, 2007**

95C131341

The State of Nevada vs James M Chappell

March 20, 2007**9:00 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: Carol Green
Reporter/Recorder:
Sharon Howard
Heard By: Herndon,
Douglas W**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M	Defendant
Owens, Christopher J.	Attorney
Patrick, Clark W.	Attorney
Schieck, David M.	Attorney
Weckerly, Pamela C.	Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 21, 2007**

95C131341

The State of Nevada vs James M Chappell

March 21, 2007**9:00 AM****Penalty Hearing**

**PENALTY
HEARING Court
Clerk: Carol Green
Reporter/Recorder:
Sharon Howard
Heard By: Douglas
Herndon**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M	Defendant
Owens, Christopher J.	Attorney
Patrick, Clark W.	Attorney
Schieck, David M.	Attorney
Weckerly, Pamela C.	Attorney

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 10, 2007**

95C131341

The State of Nevada vs James M Chappell

May 10, 2007**9:00 AM****Sentencing****SENTENCING****Relief Clerk:****Katherine Streuber****Reporter/Recorder:****Sharon Howard****Heard By: Douglas****Herndon****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Chappell, James M

Defendant

Owens, Christopher J.

Attorney

Patrick, Clark W.

Attorney

Schieck, David M.

Attorney

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 28, 2010**

95C131341

The State of Nevada vs James M Chappell

September 28, 2010 8:30 AM**Petition for Writ of Habeas
Corpus****HEARD BY:** Glass, Jackie**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Billie Jo Craig**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 05, 2010**

95C131341

The State of Nevada vs James M Chappell

October 05, 2010**8:30 AM****All Pending Motions****HEARD BY:** Glass, Jackie**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 09, 2010**

95C131341

The State of Nevada vs James M Chappell

November 09, 2010 8:30 AM**All Pending Motions****HEARD BY:** Glass, Jackie**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 05, 2011**

95C131341

The State of Nevada vs James M Chappell

April 05, 2011**8:30 AM****Motion****HEARD BY:** Glass, Jackie**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Kristen Brown
Alice Jacobson**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES**

PRESENT:	Oram, Christopher R.	Attorney
	Owens, Steven S	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- 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, Deft'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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 23, 2011**

95C131341

The State of Nevada vs James M Chappell

August 23, 2011**9:00 AM****Motion for Order
Extending Time****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Mr. Oram stated that he has received numerous boxes of discovery and requested an additional ninety days. COURT ORDERED, Motion GRANTED; matter set for status check regarding the filing of the brief and to reset the hearing. Mr. Oram is to file a supplemental brief on or before the status check date.

NDC

12/13/11 9:00 AM STATUS CHECK: FILING OF SUPPLEMENTAL BRIEF/RESET HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 13, 2011**

95C131341

The State of Nevada vs James M Chappell

December 13, 2011 9:00 AM Status Check**HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 14, 2012**

95C131341

The State of Nevada vs James M Chappell

February 14, 2012**9:00 AM****Status Check****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Alice Jacobson**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 28, 2012**

95C131341

The State of Nevada vs James M Chappell

February 28, 2012**9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 24, 2012**

95C131341

The State of Nevada vs James M Chappell

May 24, 2012**9:00 AM****All Pending Motions****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Alice Jacobson**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- 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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 09, 2012**

95C131341

The State of Nevada vs James M Chappell

August 09, 2012**9:00 AM****All Pending Motions****HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 15C**COURT CLERK:** Shelly Landwehr**RECORDER:** Renee Vincent**REPORTER:****PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- 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 mater 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 29, 2012**

95C131341

The State of Nevada vs James M Chappell

August 29, 2012**9:00 AM****Status Check****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 19, 2012**

95C131341

The State of Nevada vs James M Chappell

October 19, 2012 10:00 AM Argument**HEARD BY:** Ellsworth, Carolyn**COURTROOM:****COURT CLERK:** Denise Trujillo
Aaron Carbajal**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Oram, Christopher R.	Attorney
	Owens, Steven S	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES**- 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 04, 2017**

95C131341

The State of Nevada vs James M Chappell

January 04, 2017**9:00 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Oram, Christopher R.

Attorney

State of Nevada

Plaintiff

Vail, Alexander R.

Attorney

JOURNAL ENTRIES**- PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS**

Deft. not present. Upon Court's inquiry advised once this case was transferred to the Federal system he was automatically withdrawn as counsel. B. Levenson, Esq., and S. Ciel, Esq. advised they have been conditionally barred for this case. Counsel requested briefing schedule. Court advised the petition is so large, that she needs about 60 days to review what has been submitted. COURT ORDERED, briefing schedule as follows: Reply due 4/5/17 and response due 7/5/17 and matter continued for hearing thereafter. Mr. Levenson advised he would be requesting discovery and evidentiary hearing. Court advised that she has to hear the writ first before counsel can start any discovery, and a motion would need to be filed. Mr. Levenson requested transcript of today's hearing. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 8/7/17 9 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 07, 2017**

95C131341

The State of Nevada vs James M Chappell

August 07, 2017**9:00 AM****All Pending Motions****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Andrea Natali**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Levenson, Bradley D.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- DEFT.'S MOTION FOR LEAVE TO CONDUCT DISCOVERY; EXHIBITS ... DEFT.'S MOTION FOR EVIDENTIARY HEARING: EXHIBITS ... PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS

Deft. not present, incarcerated in the Nevada Dept. of Corrections (NDC). COURT NOTED, it hadn't finished reading all the documents, as there were 10,000 pages of exhibits and 2,000 pages of documents and it did not receive hard copies from the District Attorney (DA) until Thursday; ADDITIONALLY, it had reviewed the January minutes which indicated it would need sixty days to review all the documents; therefore, ORDERED, matter CONTINUED sixty days to review all the documents. Mr. Levenson stated he would print the documents if the court required. COURT ADVISED, counsel did not need to print any documents and it would let counsel know if it needed anything printed.

NDC

CONTINUED TO: 10/9/17 - 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 09, 2017**

95C131341

The State of Nevada vs James M Chappell

October 09, 2017**9:00 AM****All Pending Motions****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Andrea Natali
Kory Schlitz**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Levenson, Bradley D.	Attorney
	Owens, Steven S	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present, incarcerated in the Nevada Dept. of Corrections.

DEFENDANT'S MOTION FOR EVIDENTIARY HEARING: EXHIBITS ... PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS ... DEFENDANT'S MOTION FOR LEAVE TO CONDUCT DISCOVERY

Argument by Mr. Levenson in support of setting an evidentiary hearing as both the trial and post-conviction counselors were ineffective; noted the neurological evaluation request and funding were denied and the specifics were not addressed, the lack of funding prevented Mr. Oram from being effective. Argument in opposition by Mr. Owens noting this matter was procedurally banned. Further argument by Mr. Levenson regarding FASD Experts and regarding mitigating and aggravating factors that could have possibly caused a decision other than the death penalty. Further argument by Mr. Owens regarding the procedural bar being applied to each claim and that Mr. Oram could have addressed Mr. Schieck's ineffectiveness. COURT ADVISED, the reason the matter was denied was because nothing was provided showing he talked to any of the experts and he was just asking for the PET scan. Further argument by Mr. Owens regarding whether there was anything more Mr. Oram could have done and that the Court's finding indicated even if the Deft. had a diagnosis of fetal alcohol syndrome it wouldn't make a difference; additionally, the matter was

affirmed on the appeal and nothing had changed. Upon Court's inquiry as to how the testimony would be different, Mr. Levenson stated the jury did not know the Deft. suffered from brain damage and that the Deft.'s mother smoked heroin and drank while the Deft. was in utero. COURT NOTED, in the request for an evidentiary hearing it listed 48 witnesses; however, ADVISED it would not hear from 48 witnesses; ORDERED, evidentiary hearing ALLOWED but it will be limited to testimony from Mr. Oram and the experts on the fetal alcohol syndrome. Mr. Levenson anticipated 3 experts will testify. Following colloquy regarding whether to set an evidentiary hearing or status check, COURT ORDERED, matters SET for Status Check.

NDC

1/17/18 - 9:00 AM - STATUS CHECK: SET EVIDENTIARY HEARING RE: PETITION FOR WRIT OF HABEAS CORPUS ... MOTION FOR LEAVE TO CONDUCT DISCOVERY: EXHIBITS

CLERK'S NOTE: The above minutes were updated to indicate a status check being set on 1/17/18 instead of an evidentiary hearing as originally ordered in open court (10/24/17 amn).

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 17, 2018**

95C131341

The State of Nevada vs James M Chappell

January 17, 2018**9:00 AM****Status Check****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Andrea Natali**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Levenson, Bradley D.

Attorney

State of Nevada

Plaintiff

Vanboskerck, Jonathan

Attorney

JOURNAL ENTRIES

- Deft. not present, incarcerated in the Nevada Dept. of Corrections (NDC). Colloquy regarding whether the experts could appear via video conferencing. Mr. Levenson stated he would prefer to have the experts testify in person. Colloquy regarding email correspondence between counsel and the Court regarding the 4/6/18 evidentiary hearing being set and today's matter remaining on calendar to address the status of the discovery motion. Mr. Vanboskerck requested the discovery motion be denied. Mr. Levenson stated he was not prepared to address the discovery motion today. COURT ADVISED, it had not prepared for the discovery motion; therefore, ORDERED, motion regarding discovery RESET.

NDC

3/19/18 - 9:00 AM - MOTION FOR LEAVE TO CONDUCT DISCOVERY: EXHIBITS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 19, 2018**

95C131341

The State of Nevada vs James M Chappell

March 19, 2018**9:00 AM****Motion****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Andrea Natali**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Levenson, Bradley D.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Deft. not present, incarcerated in the Nevada Dept. of Corrections. Ellesse Henderson, Fed. PD also present.

COURT ORDERED, Deft.'s appearance waived for today's hearing. Mr. Levenson stated at the court's direction, he would be calling 4 witnesses Mr. Oram and three experts for the 4/6/18 hearing, ; however, in order to prove his ineffectiveness of counsel claim there were two additional parties David Schieck and Clark Patrick, who if allowed would not be able to appear to the 4/6/18 hearing. Mr. Owens argued that the matter was now expanding and he was opposed to the defense request. COURT NOTED, the only reason the defense wanted an evidentiary hearing was because of the allegations regarding Mr. Oram was ineffective from the second penalty phase; however, now counsel was reaching back to Mr. Schieck and Clark Patrick and it was not inclined to allow that; however, it could change its mind and it wanted to focus on what Mr. Oram had to say and whether the prejudice prong of Strickland was addressed. Ms. Henderson argued in support of the motion for leave to conduct discovery. COURT NOTED if it wasn't related to the hearing then counsel did not have to do discovery and it didn't believe discovery was relevant such as going to the vault. Argument by Mr. Levenson. Mr. Owens submitted. COURT ORDERED, motion DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 06, 2018**

95C131341

The State of Nevada vs James M Chappell

April 06, 2018**9:00 AM****Evidentiary Hearing****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Phyllis Irby**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Levenson, Bradley D.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- DEFT NOT PRESENT. Deft has WAIVED his appearance. Scott Wisniewski and Ellesse Henderson present on behalf of the Deft.

EXCLUSIONARY RULE INVOKED.

Testimony and exhibits presented.

The Court inquired if defense counsel would like to have additional briefing to summarize arguments. Mr. Levenson advised counsel would like to see a copy of the transcript and do supplemental briefing based on the testimony today. Mr. Owens advised he is opposed to additional further briefing and would prefer to argue and submit it to the Court.

The Court noted what it has been looking at was Mr. Oram deficient as post-conviction counsel and ineffective. The Court further stated was Mr. Oram ineffective post-conviction counsel for not basically doing the work that would have been necessary and show there is some need to demonstrate through the hiring of experts or relatives to show the 2nd penalty phase attorney's weren't sufficient. The Court stated if counsel would like to brief based on this; that is the legal issue the Court is looking at.

The State advised the Court of its opposition to do further briefing. Mr. Levenson stated as soon as

they receive the transcript they will do briefing if the Court will give a time schedule. Mr. Owens stated he would prefer to argue. Following further arguments of counsel.

COURT ORDERED, it will allow 3 weeks for additional briefing. Defense counsel will have until 4/27/18 for Deft's brief, State's Opposition is due 5/4/18 and the State's Reply will be due 5/11/18. HEARING SET.

NDC

5-21-18 9:00 AM HEARING (DEPT. V)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 21, 2018**

95C131341

The State of Nevada vs James M Chappell

May 21, 2018**9:00 AM****Hearing****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Andrea Natali**RECORDER:** Sandra Pruchnic**REPORTER:****PARTIES****PRESENT:**

Levenson, Bradley D.

Attorney

Owens, Steven S

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Deft. not present, incarcerated in the Nevada Dept. of Corrections. Scott Wisniewski, Esq. and Ellesse Henderson Fed. P.D. present on behalf of the Deft.

COURT NOTED, it received the supplemental briefing, summarized the parties positions and ADVISED of the additional arguments it would welcome as to whether counsel was ineffective. Argument by Mr. Levenson noting the jurors never heard about the neurological disorder or brain damage. Opposition by Mr. Owens noting there was nothing more to add than what was contained within the briefs; however, argued it wouldn't have made a difference, the mitigating factors did not outweigh the aggravating factors, and there was not ineffectiveness of counsel. Rebuttal arguments by Mr. Wisniewski. COURT stated FINDINGS and ORDERED petition DENIED for the reasons and arguments stated in the State's opposition to the petition; DIRECTED, the State to prepare the findings of fact and conclusions of law. Exhibits ADMITTED (see worksheet).

NDC

1- 6x8 Color Photograph of Trailer	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/> 10/10
2- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
3- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
4- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
5- " " " of interior of trailer	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
6- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
7- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
8- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
9- " " " correspondence	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
10- " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
11- " " " interior of trailer	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
12- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
13- " " " correspondence clothing	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
14- " " " correspondence	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
15- " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
16- " " " bathroom sink & counter	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
17- " " " blood on bathroom sink	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
18- " " " blood on toilet	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
19- " " " victim at crime scene	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
20- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
21- " " " bloody steak knife	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
22- " " " victim at crime scene	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
23- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
24- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
25- " " " " "	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/> "

OFFERED ADMITTED

26-	6x8 Color Photograph	correspondence near victim's head	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
27-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
28-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
29-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
30-	"	shoes + torn paper near victim	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
31-	"	piece of torn paper	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
32-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
33-	"	interior of trailer	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
34-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
35-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
36-	"	interior of trailer	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
37-	"	autopsy	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	10/10
38-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
39-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
40-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
41-	"	"	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	10/10
42-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
43-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
44-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
45-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
46-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
47-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
48-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
49-	"	of Defendant	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
50-	— no exhibit —		<input type="checkbox"/>		<input type="checkbox"/>	

100

OFFERED ADMITTED

51- 6x8 Color Photograph	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
52- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
53- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
54- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
55- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
56- " " " victim's vehicle	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
57- " " " " "	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
58- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
59- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
60- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
61- LVMPD Evidence Impound Report (8-31-95)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
62- LVMPD Evidence Impound Report (9-1-95)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
63- LVMPD Evidence Impound Report (9-1-95)	<input checked="" type="checkbox"/>	submitted	<input checked="" type="checkbox"/>	10/11
64- Copy of Social Security Cards (4)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
65- LVMPD Evidence Impound Report (9-1-95)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
66- 3x5 Color Photograph of Victim	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
67- Sexual Assault Kit	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	10/10
68- Evidence Bag	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
68A- Brown Butcher Paper	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
68A-1- Steak Knife	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
69- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
70- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
71- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
72- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
73- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
74- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"

OFFERED ADMITTED

75- Evidence Bag - Contents (75A, 75B, 75C, 75D see page 6 of Exhibit list)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
76- Diagram	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
77- Drawing	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
78- Evidence Envelope	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
78A- Plastic Bag containing Social Security cards	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
79- Evidence Bag	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
79A- Right Black Lace-Up Boot	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
80- Evidence Envelope	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
80A- Plastic Vial containing	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
81- Application for TPO by Fax	<input checked="" type="checkbox"/>	submitted	<input checked="" type="checkbox"/>	10/11
82- TPO Issued by Fax	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
83- Small Color Photograph	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
84- Large Blow-up (Serological Groupings)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
85- Blow-up (Serological Groupings)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
86- Blow-up (DNA Testing)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
87- Serology Standard Kit	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
88- Curriculum Vitae of Thomas A. Wahl	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
89- UMC Medical Records (victim)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"

Penalty Hearing

90- Defendant's Statement Dated 3-30-95	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/21
91- Letter from Christina Rees	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/22
92- Letter from Doris Wichtoski	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	10/22
93- 8x10 Color Photograph	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
94- Small Color Photograph	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"

OFFERED ADMITTED

1- 6x8 Color Photograph of Trailer	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/> 10/10
2- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
3- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
4- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
5- " " " of interior of trailer	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
6- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
7- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
8- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
9- " " " correspondence	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
10- " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
11- " " " interior of trailer	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
12- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
13- " " " correspondence & clothing	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
14- " " " correspondence	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
15- " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
16- " " " bathroom sink & counter	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
17- " " " blood on bathroom sink	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
18- " " " blood on toilet	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
19- " " " victim at crime scene	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
20- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
21- " " " bloody steak knife	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
22- " " " victim at crime scene	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
23- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
24- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/> "
25- " " " " "	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/> "

OFFERED ADMITTED

26-	6x8 Color Photograph	correspondence near victim's head	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
27-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
28-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
29-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
30-	"	shoes + torn paper near victim	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
31-	"	piece of torn paper	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
32-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
33-	"	interior of trailer	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
34-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
35-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
36-	"	interior of trailer	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
37-	"	autopsy	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	10/10
38-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
39-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
40-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
41-	"	"	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	10/10
42-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
43-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
44-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
45-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
46-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
47-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
48-	"	"	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
49-	"	of Defendant	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
50-	— no exhibit —		<input type="checkbox"/>		<input type="checkbox"/>	

OFFERED ADMITTED

51- 6x8 Color Photograph	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
52- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
53- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
54- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
55- " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
56- " " " victim's vehicle	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
57- " " " " "	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
58- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
59- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
60- " " " " "	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
61- LVMPD Evidence Impound Report (8-31-95)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
62- LVMPD Evidence Impound Report (9-1-95)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
63- LVMPD Evidence Impound Report (9-1-95)	<input checked="" type="checkbox"/>	submitted	<input checked="" type="checkbox"/>	10/11
64- Copy of Social Security Cards (4)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
65- LVMPD Evidence Impound Report (9-1-95)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
66- 3x5 Color Photograph of Victim	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
67- Sexual Assault Kit	<input checked="" type="checkbox"/>	obj	<input checked="" type="checkbox"/>	10/10
68- Evidence Bag	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
68A- Brown Butcher Paper	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
68A1- Steak Knife	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
69- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
70- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
71- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
72- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
73- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
74- Evidence Envelope + Contents	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"

OFFERED ADMITTED

75-Evidence Bag - Contents (75A, 75B, 75C, 75D See page 6 of Exhibit List)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/10
76-Diagram	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
77-Drawing	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
78-Evidence Envelope	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
78A-Plastic Bag containing Social Security Cards	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
79-Evidence Bag	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
79A-Right Black Face-Up Boot	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
80-Evidence Envelope	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
80A-Plastic Vial containing	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
81-Application for TPO by Fax	<input checked="" type="checkbox"/>	submitted	<input checked="" type="checkbox"/>	10/11
82-TPO Issued by Fax	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
83-Small Color Photograph	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/11
84-Large Blow-up (Serological Groupings)	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
85-Blow-up (Serological Groupings)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
86-Blow-up (DNA Testing)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
87-Serology Standards Kit	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/14
88-Curriculum Vitae of Thomas A. Wahl	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
89-UMC Medical Records (victim)	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"

Penalty Hearing

90-Defendant's Statement Dated 3-30-95	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/21
91-Letter from Christina Rees	<input checked="" type="checkbox"/>	no obj	<input checked="" type="checkbox"/>	10/22
92-Letter from Doris Wichtoski	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	10/22
93-8x10 Color Photograph	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"
94-Small Color Photograph	<input checked="" type="checkbox"/>	"	<input checked="" type="checkbox"/>	"

State's

State vs. Chappell

EXHIBITS

CASE NO. 013134

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	
PENALTY HEARING - 3/12/07					
95.	TRANSCRIPT OF TESTIMONY OF MIKE POLLARD				
96	TRANSCRIPT OF TESTIMONY OF DEBORAH TURNER				
97	TRANSCRIPT OF TESTIMONY OF LADONNA JACKSON				
98	Transcript of Testimony of Paul Weidner				
99	Color photograph of trailer		3/16	✓ NO	✓ 3/16
100	"	"	3/16	✓ NO	✓ 3/16
101	"	"		✓	✓
102	"	"		✓	✓
103	"	"		✓	✓
104	"	"		✓	✓
105	"	"		✓	✓
106	"	"		✓	✓
107	"	"		✓	✓
108	"	"		✓	✓
109	"	"		✓	✓
110	"	"		✓	✓
111	"	"		✓	✓
112	"	"		✓	✓
113	"	"		✓	✓
114	"	"		✓	✓
115	"	"		✓	✓
	Victim at crime scene.		3/16	✓ NO	✓ 3/16

State's

State vs Chappell

EXHIBITS

CASE NO. C131341

			OFFERED		ADMITTED	
			DATE	OBJ	DATE	DATE
116	Color Photograph	of Window	3/16	✓	no	3/16
117	"	" of victim at crime scene		✓		
118	"	"		✓		
119	"	" of Chair		✓		
120	"	"		✓		
121	"	" of Car		✓		
122	"	"		✓		
123	"	"		✓		
124	"	"		✓		
125	"	"		✓		
126	"	" of victim		✓		
127	Map			✓		
128	Map			✓		
129	Certified Reports of Incidents		3/16	✓	no	3/16
130	Judgment of Conviction		3/16	✓	no	3/16
75A	Letter from Exhibit 75 Evidence Bag		3/16	✓	no	3/16
75B	Letter from Exhibit 75 Evidence Bag		3/16	✓	no	3/16
75C	Bag from Exhibit 75 Evidence Bag		3/16	✓	no	3/16
75D	Bag from Exhibit 75 Evidence Bag		3/16	✓	no	3/16
131	Transcript of Testimony	James Chappell				
132	Transcript of Jeri Earnest					
133	Transcript of Allen Williams					

EXHIBITS

CASE NO. C131341

[illegible]

DEFENDANT'S EXHIBITS

CASE NO. C131341

OFFERED ADMITTED

- A-Certified Copy of TPO Issued by Fax
- B-Certified Copy of Minutes 1-11-95
- C-Certified Copy of Minutes 8-1-95 (C126882)
- D. 8x10 Color Photograph

<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 10/11
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 10/21
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 10/22
<input type="checkbox"/>	<input type="checkbox"/>

PENALTY HEARING - 3/12/07

- E PHOTO- 3x5 - LAUNDRY ROOM
- F PHOTO- 8 1/2 x 11 - Elementary School
- G - School Photo 1979-1980
- H School Photo
- I School Photo
- J Photo
- K Photo
- L Photo
- m Photo
- N Photo
- O Photo
- P Photo
- Q Photo

3/16	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/16
3/20	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/20
3/19	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/19
3/20	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/20
3/20	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/20
3/19	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/19
3/19	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/19
3/19	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/19
3/19	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/19
3/19	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/19
3/19	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/19
3/19	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> 3/19

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EXHIBIT(S) LIST

Case No.: C131341 Hearing Date: 4-6-18
Dept. No.: 5 Judge: CAROLYN ELLSWORTH
Court Clerk: Phyllis Irby ANDREA NATALI
Plaintiff: The State of Nevada Recorder: LARA CORCORAN
Counsel for Plaintiff: Steven Owens, Dep. DA.

vs.

Defendant: James Chappell
Counsel for Defendant: Bradley Levenson, Esq.,
Scott Wisniewski, Esq., Ellesse
Henderson, Esq.

BEFORE THE COURT

Defendant's EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	95 C131341 Register of Actions	MAY 21 2018	NONE	MAY 21 2018
2	C131341 Receipt of file 1/14/10			
3	C131341 Motion for Authn 2/15/12			
4	C131341 State's Motion 5/16/12			
5	C131341 Transcript from 10/19/12			
6	" Findings of fact 11/16/12			
7	" Supplemental Brief 10/12/09			
8	Life History Questionnaire from Lewis Etloff			
9	C131341 Special verdict 3/21/07			
10	Functional & Behavioral Assessment 3/3/16			
11	Materials Relied Upon (Amended)			
12	Curriculum Vitae Natalie Noric Brown			
13	Lewis Etloff Evaluation			
14	State of MI Juvenile Division 0-10273A			
15	Complaint Record Folder Lansing School Dist			
16	News Paper/Lansing Police/Car Auto			
17	Neuropsychological Report Paul Connor			

Case No.: C131341

The State of Nevada Plaintiff VS. James Chappell Defendant
Defendant's EXHIBITS

[illegible]

COURT'S

State vs. Chappell
EXHIBITS

CASE NO. C131341

		OFFERED		ADMITTED	
		DATE	OBJ	DATE	DATE
1.	JUROR NOTE - WITNESS MICHELLE MONCHA			✓	3/14
2.	JUROR NOTE - WITNESS LISA LARSEN			✓	3/14
3.	JUROR NOTE - WITNESS LISA LARSEN			✓	3/14
4.	JUROR NOTE - WITNESS DINEA RICHARDSON			✓	3/15
5.	JUROR NOTE - WITNESS DINEA RICHARDSON			✓	3/15
6.	JUROR NOTE - WITNESS DINEA RICHARDSON			✓	3/15
7.	JUROR NOTE - WITNESS DR. WILLIAM DANTON			✓	3/15
8.	JUROR NOTE - WITNESS DR. WILLIAM DANTON			✓	3/15
9.	JUROR NOTE - WITNESS DR. WILLIAM DANTON			✓	3/15
10.	JUROR NOTE - WITNESS DR. WILLIAM DANTON			✓	3/15
11.	JUROR NOTE - WITNESS CHARMMIE SMITH			✓	3/15
12.	JUROR NOTE - WITNESS CLAIR MCGUINE			✓	3/15
13.	JUROR NOTE - WITNESS LEWIS ETCOFF			✓	3/16
14.	JUROR NOTE - WITNESS LEWIS ETCOFF			✓	3/16
15.	JUROR NOTE - Question not asked			✓	3/16
16.	JUROR NOTE - WITNESS JAMES VACCARO			✓	3/16
17.	JUROR NOTE - WITNESS JAMES VACCARO			✓	3/16
18.	JUROR NOTE - WITNESS JAMES VACCARO			✓	3/16
19.	JUROR NOTE - WITNESS DR. GREEN			✓	3/19
20.	JUROR NOTE - WITNESS DR. GREEN			✓	3/19
21.	JUROR NOTE - WITNESS NORMA PENFIELD			✓	3/19
22.	JUROR NOTE - WITNESS - FRED DEAN			✓	3/19

CASE NO. C 131341

hibit Sheet S-01/jh

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF
ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

JAMES M. CHAPPELL,

Defendant(s).

Case No: 95C131341

Dept No: V

Death Penalty

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 19 day of September 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk