

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MONTELL
CHAPPELL,

Petitioner/Appellant,

v.

WILLIAM GITTERE, Warden,
and AARON FORD, Nevada
Attorney General,

Respondents/Appellees.

Electronically Filed
Apr 22 2019 12:43 p.m.
Supreme Court No. 77002 Elizabeth A. Brown
Clerk of Supreme Court
District Court Case No. 95C-131341
(Death Penalty Case)

**REQUEST FOR EXTENSION OF
TIME WITHIN WHICH TO FILE
APPELLANT'S OPENING BRIEF**

SECOND REQUEST

Petitioner/Appellant, James Montell Chappell, by and through
counsel, hereby requests an extension of time of ten (10) days, to and
including May 2, 2019, to file his Opening Brief. This request is
supported by the attached declaration of counsel.

DATED this 22nd day of April, 2019.

Respectfully submitted,

/s/ Brad D. Levenson

BRAD D. LEVENSON

Assistant Federal Public Defender

Nevada Bar No. 13804C

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DECLARATION OF BRAD D. LEVENSON

I, Brad D. Levenson, declare as follows:

1. I am an attorney at law, admitted to practice before this Court and employed by the Capital Habeas Unit of the Federal Public Defender, District of Nevada. I am assigned to represent James Montell Chappell in this matter.

2. The Appellant's Opening Brief in this case is currently due on April 22, 2019. I am seeking an extension of time of ten (10) days, up to and including May 2, 2019, within which to file and serve this Brief. This is Chappell's second request.

3. The opening brief has been completed and is currently being reviewed. The supervisor of the Capital Habeas Unit was out of the office last week and consequently, today is the first day the supervisor is reading the completed brief. Once reviewed, the supervisor will return his edits to me for incorporation.

4. I will be out of the office from April 23 through April 26 due to travel related to the federal trial case of *USA v. Schlesinger*, 4:18-cr-02719-RCC-BGM, a death qualified case from the District of Arizona.

As such, I will be unable to make any changes to the brief until after my return to the office on April 29, 2019. Further, I have an all-day meeting with the litigation team for the Schlesinger case on April 30, 2019 and will be unable to work on the brief that day.

5. Based upon the above, I believe that with a ten-day extension, I will be able to complete and file the Opening Brief. Undersigned counsel does not anticipate any further extensions will be necessary.

6. The additional time requested here is necessary for me to devote the attention required to competently represent Mr. Chappell.

7. This request is not made solely for the purpose of delay, or for any other improper purpose, but only to ensure that this office provides competent representation to Mr. Chappell. Nev. R. Prof. Conduct 1.1.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 22, 2019, in Las Vegas Nevada.

/s/ Brad D. Levenson
BRAD D. LEVENSON

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 22nd day of April, 2019, electronic service of the foregoing REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S OPENING BRIEF shall be made in accordance with the Master Service List as follows:

Steven Owens
Steven.Owens@clarkcountyda.com

/s/ Sara Jelinek
An Employee of the
Federal Public Defender,
District of Nevada