

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MONTELL CHAPPELL,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 77002

MOTION FOR ENLARGEMENT OF TIME

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, STEVEN S. OWENS, and moves this Court for an enlargement of time within which to file Respondent's Answering Brief. This motion is based on the following memorandum and all papers and pleadings on file herein.

Dated this 3rd day of June, 2019.

Respectfully submitted,

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

BY /s/ Steven S. Owens
STEVEN S. OWENS
Chief Deputy District Attorney
Nevada Bar #004352
Office of the Clark County District Attorney

MEMORANDUM

I, STEVEN S. OWENS, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

Respondent's Answering Brief is currently due June 3, 2019. This is an appeal from an order denying a post-conviction Petition for Writ of Habeas Corpus in a death penalty case. This Court may extend time to file a Respondent's Answering Brief upon a showing of good cause. NRAP 31(b)(3). For capital cases, this Court may grant an initial motion for an extension of time of up to 60 days for filing a brief. NRAP 31(b)(3)(D); SCR 250(7)(d).

The State herein makes its first request for an enlargement of time. The State requests sixty (60) additional days to include August 2, 2019, within which to file Respondent's Answering Brief. If granted, the new filing date for the State's Answering Brief would be August 2, 2019.

After filing his Notice of Appeal, Appellant filed his one-hundred-ninety-three (193) page Opening Brief along with a thirty-one (31) volume appendix on May 2, 2019. The Opening Brief raises many complicated issues that span the more than twenty-year history of this case that require a thorough examination of the extensive record and related case law. Therefore, the State hereby makes this first request to extend time to allow additional time to review the appellate record and thoroughly brief Appellant's claims for this Court. This motion is made in good

faith and not for the purposes of undue delay.

Dated this 3rd day of June, 2019.

Respectfully submitted,

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

BY */s/ Steven S. Owens*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on June 3, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

BRAD D. LEVENSON
ELLESSE HENDERSON
SCOTT WISNIEWSKI
Assistant Federal Public Defenders

STEVEN S. OWENS
Chief Deputy District Attorney

BY /s/ E. Davis

Employee,
Clark County District Attorney's Office

SSO/Joshua J. Prince/ed