

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MONTELL CHAPPELL,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Aug 02 2019 03:57 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 77002

MOTION FOR ENLARGEMENT OF TIME SECOND REQUEST

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 2nd day of August, 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 the attorney assigned to prosecute this appeal. The State is requesting a sixty (60) day extension of time in which to file its Answering Brief pursuant to NRAP 31.

This is an appeal from a district court order denying Appellant's Petition for Writ of Habeas Corpus. On June 3, 2019, the State filed a Motion for Enlargement of Time. This Court granted that Motion on June 19, 2019. This order fixed a due date of August 2nd, 2019, for the State to file its Respondent's Answering Brief.

A second Motion for Enlargement of Time can only be granted upon a showing of "extraordinary circumstances and extreme need." NRAP 31(b)(3)(D); SCR 250(7)(d). The State hereby makes its second request for an extension of time, citing the following as extraordinary circumstances and extreme need. As previously stated, Appellant has filed a one-hundred-ninety-three (193) page Opening Brief raising complex issues, several encompassing multiple sub-issues; and the record on appeal consists of thirty-one (31) volumes. This complex—capital—case requires extensive and diligent review of the record and thorough briefing. On top of the difficult issues presented in this case, Joshua Prince, Esq., a law clerk assigned to assist me in this case, unexpectedly resigned his employment at our office in order to pursue other opportunities. I have had to ask a different law

clerk to help me pick up where he left off. These circumstances constitutes extreme need because this brief did not get finished before he left.

Additionally, it is during these summer months that we experience a transition in our law clerk pool and we are currently short by two law clerks and will not receive new law clerks till mid-September. The remaining law clerks must carry the full burden of the workload for the entire unit and have limited time and resources to devote to new assignments. The new law clerk assigned to do this brief will make it a priority amongst his assignments but will have significant reading to do to get up to speed before he can even pick up where the last law clerk left off.

As such, it will not be possible to draft a brief by the due date, despite my exhaustive efforts. For these reasons, the State requests additional time to fully brief and respond to Appellant's claims and to make this complicated case as clear as possible for this Court's review—for the sake of judicial economy and for appropriate consideration of these serious issues.

Respondent respectfully requests this Court's permission for an extension of time of sixty (60) days to file its Answering Brief, which would make the State's brief due on October 1, 2019.

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Dated this 2nd day of August, 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
Regional Justice Center
200 Lewis Avenue
P.O. Box 552212
Las Vegas, NV 552212
(702) 671-2500

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on August 2, 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/Elliot Anderson/ed