

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  
Oct 29 2019 11:00 a.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 REPLY BRIEF**

**FIRST REQUEST**

Petitioner/Appellant, James Montell Chappell, through counsel,  
requests an extension of time of sixty (60) days, to and including  
December 30, 2019, to file his Reply Brief. This request is supported by  
the attached declaration of counsel.

DATED this 29th day of October, 2019.

Respectfully submitted,

/s/ Brad D. Levenson

BRAD D. LEVENSON

Assistant Federal Public Defender

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## DECLARATION OF BRAD D. LEVENSON

I, Brad D. Levenson, declare:

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.

2. Appellant's Reply Brief is due on October 30, 2019. I am seeking an extension of time of sixty (60) days, including December 30, 2019, within which to file and serve the Reply. This is Chappell's first request.

3. I am requesting a sixty-day extension because I have not had adequate time to prepare the Reply. The majority of my time since the State filed its Answer has been dedicated to the federal trial case of *USA v. Schlesinger*, 4:18-cr-02719-RCC-BGM, a death qualified case from the District of Arizona. I have made three trips to Arizona, since October 1, 2019.

4. Further, over the next sixty days, I have deadlines in these cases: a petition for rehearing in the Ninth Circuit capital case of *Floyd*

*v. Filson*, Case No. 14-99012, due date December 24, 2019; a motion for evidentiary development in *Johnson v. Ryan*, 2:18-cv-00889-SPL, a federal capital habeas case from the District of Arizona, due date November 25, 2019; and an opening brief in the Ninth Circuit capital case of *Castillo v. Gittere*, No. 19-99003, due date November 15, 2019. Due to these deadlines, I cannot meet the deadline in Mr. Chappell's case.

5. Besides the work described above, during the next sixty days I will be out of the office on case-related travel on November 4, November 5, November 13 through November 15, November 19, November 20, and December 17, 2019. It is also possible other case-related travel will be planned. In addition, I have various deadlines in *Schlesinger* throughout November and December 2019.

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 this office competently represents Mr. Chappell. Nev. R. Prof. Conduct 1.1.

I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed on October 29, 2019, in Las Vegas Nevada.

/s/ *Brad D. Levenson*  
BRAD D. LEVENSON

## CERTIFICATE OF SERVICE

I certify this document was filed electronically with the Nevada Supreme Court on the 29th day of October, 2019, electronic service of the foregoing REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO FILE APPELLANT'S REPLY BRIEF shall be made under the Master Service List:

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