

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 77002

JAMES MONTELL CHAPPELL

Appellant,

Electronically Filed
Dec 27 2019 08:45 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

v.

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

Respondents.

Appeal from Order Dismissing Petition for Writ of Habeas
Corpus (Post-Conviction)

Eighth Judicial District Court, Clark County
The Honorable Carolyn Ellsworth, District Judge

**APPELLANT'S REPLY APPENDIX
VOLUME 1 OF 1**

RENE L. VALLADARES

Federal Public Defender

Nevada State Bar No. 11479

BRAD D. LEVENSON

Nevada State Bar No. 13804C

ELLESSE HENDERSON

Nevada State Bar No. 14674C

Assistant Federal Public Defenders

411 E. Bonneville, Suite 250

Las Vegas, Nevada 89101

Telephone: (702) 388-6577

Fax: (702) 388-6419

*Counsel for Appellant James Montell Chappell

INDEX

<u>VOLUME</u>	<u>DOCUMENT</u>	<u>PAGE</u>
1	Register of Actions, <i>State v. Chappell</i> , District Court, Clark County, Nevada Case No. 95C131341 September 28, 2010.....	007
1	Reporter's Transcript of Sentencing, <i>State v. Chappell</i> , District Court, Clark County, Nevada Case No. C-131341 May 10, 2007	001-006

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 27th day of December, 2019.

Electronic Service of the foregoing Appellant's Reply Appendix shall be made in accordance with the Master Service List as follows:

Alexander Chen
Chief Deputy District Attorney
motions@clarkcountyda.com
Alexander.Chen@clarkcountyda.com

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

290

91

TRAN
CASE NO. C-131341
DEPT. NO. 3

FILED

JUL 16 9 23 AM '07

ORIGINAL

Craft
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
JAMES MONTELL CHAPPELL,)
)
Defendant.)
_____)

REPORTER'S TRANSCRIPT
OF
SENTENCING

BEFORE THE HONORABLE DOUGLAS HERNDON
DISTRICT COURT JUDGE

DATED: THURSDAY, MAY 10, 2007

REPORTED BY: SHARON HOWARD, C.C.R. NO. 745

RECEIVED
JUL 16 2007
CLERK OF THE COURT

1 APPEARANCES:

2 For the State: CHRIS OWENS, ESQ.

3

4 For the Defendant: CLARK PATRICK, ESQ.

5 DAVID SCHIECK, ESQ.

6

7

8

9

10

11

12

* * * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

1 LAS VEGAS, NEVADA; THURSDAY, MAY 10, 2007

2 P R O C E E D I N G S

3 * * * * *

4
5 THE COURT: Page 6, State of Nevada versus
6 James Chappell. Record will reflect the presence of
7 Mr. Chappell, in custody -- Mr. Schieck, Mr. Patrick, on
8 his behalf. Ms. Rinetti on behalf of the State.

9 Do you have the file, Ms. Rinetti?

10 MS. RINETTI: No, Judge. Mr. Owens and
11 Mr. Kephart will be here.

12 THE COURT: Mr. Owens is here. Mr. Owens
13 is present on behalf of the State.

14 This is time set for sentencing. Is there any legal
15 cause or reason why sentencing cannot take place.

16 MR. PATRICK: No, your Honor.

17 MR. OWENS: May we approach, your Honor.

18 THE COURT: Sure.

19 (Discussion held at the bench.)

20 THE COURT: Back on the record in State
21 versus Chappell. Anything the State wants to add in terms
22 of sentencing.

23 MR. OWENS: No, your Honor.

24 THE COURT: Mr. Chappell, is there
25 anything you want to tell the court before your attorney

1 speaks on your behalf?

2 THE DEFENDANT: No.

3 THE COURT: Thank you, sir.

4 Mr. Schieck, Mr. Patrick, anything you all want to
5 add before we pronounce sentence?

6 MR. SCHIECK: No, your Honor. The jury
7 has imposed a sentence in this case.

8 THE COURT: As to the burglary and robbery
9 with use of a deadly weapon counts, those were already
10 adjudicated and sentenced at the time of the original
11 trial. They aren't part of the sentencing today. This is
12 as to murder with use of a deadly weapon.

13 So, in accordance with the laws of the State of
14 Nevada, I do adjudicate you guilty of that crime,
15 Mr. Chappell, and pursuant to the jury's verdict at the
16 penalty hearing, I sentence you to death for Count (3),
17 murder with use of a deadly weapon.

18 The state has provided ad judgment of conviction. I
19 know normally the clerk's office prepares these now when
20 the defendant is in custody, but Counsel for the State and
21 defense have both looked at it. I think it's an
22 appropriate judgment of conviction, so I'll go ahead and
23 sign that.

24 I believe the defense also has a stay of execution to
25 present to the court, as well.

1 MR. SCHIECK: That's correct.

2 THE COURT: I'll sign that, as well.

3 Thank you.

4 MR. SCHIECK: We'll fill in the date to --
5 with the State's warrant.

6 THE COURT: Okay.

7 For the record I should add that judgment of
8 conviction includes the warrant of execution and order of
9 execution. Mr. Owens.

10 MR. OWENS: Thank you, your Honor. We'll
11 make copies of that.

12 THE COURT: Thank you.

13 MR. OWENS: We'll file that after we get
14 our copies.

15 THE COURT: Thank you, gentlemen.

16

17 * * * * *

18

19

20

21

22

23

24

25

CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

I, the undersigned certified court reporter in and for the
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the
time and place therein set forth; that the testimony and
all objections made at the time of the proceedings were
recorded stenographically by me and were thereafter
transcribed under my direction; that the foregoing is a
true record of the testimony and of all objections made at
the time of the proceedings.


Sharon Howard
C.C.R. #745

Location : District Court Civil/Criminal Help

The State of Nevada vs James M Chappell

Case Type: **Felony/Gross Misdemeanor**
Date Filed: **10/10/1995**
Location: **Department 5**
Conversion Case Number: **C131341**
Defendant's Scope ID #: **1212860**
Lower Court Case Number: **95F08114**
Supreme Court No.: **61967**

Related Cases

PARTY INFORMATION

Lead Attorneys
Christopher R. Oram
Retained
7023845563(W)

Steven B Wolfson
702-671-2700(W)

Charges: Chappell, James M

EVENTS & ORDERS OF THE COURT

Minutes

09/02/2010 8:30 AM

09/28/2010 8:30 AM

10/05/2010 8:30 AM

11/09/2010 8:30 AM

07/14/2011 9:00 AM

07/14/2011 8:30 AM

11/17/2011 9:00 AM

11/17/2011 8:30 AM

08/09/2012 9:00 AM

08/09/2012 9:00 AM

<https://www.clarkcountycourts.us/Anonymous/CaseDetail.aspx?CaseID=7629169&Hearing...> 3/4/2013

ARA007