

Case No. 77002

Supreme Court of Nevada

James Montell Chappell,

Petitioner/Appellant,

vs.

The State of Nevada,

Respondent/Appellee.

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Elizabeth A. Brown
Clerk of Supreme Court

**Motion to Stay Remittitur
Pending Filing of Petition for
Writ of Certiorari**

DEATH PENALTY CASE

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Counsel for Petitioner/Appellant

Appellant James Montell Chappell hereby moves for an order staying the remittitur and execution of judgment of this Court to allow Mr. Chappell time to prepare a petition for certiorari to be filed in the Supreme Court of the United States. NRAP 41(b)(3). This Court denied Mr. Chappell's petition for rehearing on March 24, 2022, and pursuant to NRAP 41 remittitur would issue on April 18, 2022.

Dated this 28th day of March, 2022.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Brad D. Levenson

Brad D. Levenson
Assistant Federal Public Defender

POINTS AND AUTHORITIES

NRAP 41 (b)(3)(A) provides for a stay of the issuance of this Court's remittitur pending filing of a petition for certiorari in the United States Supreme Court. "A party may file a motion to stay the remittitur pending application to the Supreme Court of the United States for a writ of certiorari." The rule contemplates a stay of 120 days unless good cause is shown. Once the petition is filed, "the stay shall continue until final disposition by the Supreme Court of the United States." NRAP 41(b)(3)(B).

This is a death penalty case. Appellant has raised federal constitutional issues that are subject to review by the United States Supreme Court. Counsel for Mr. Chappell will seek review by filing a petition for certiorari within ninety days of this Court's denial of the petition for rehearing, on or before June 22, 2022.

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Accordingly, this Court should stay issuance of remittitur pending the filing and final disposition of a petition for writ of certiorari.

DATED this 28th day of March, 2022.

Respectfully submitted
Rene L. Valladares
Federal Public Defender

/s/ Brad D. Levenson
Brad D. Levenson
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2022, I electronically filed the foregoing document with the Nevada Supreme Court by using the appellate electronic filing system. The following participants in the case will be served by the electronic filing system:

Karen Mishler
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/s/ Sara Jelinek
An Employee of the
Federal Public Defender