

SUPREME COURT OF NEVADA

James Montell Chappell v. State

2021 NV 83 (Nev. 2021) · No. 77002 · Decided December 30, 2021

SUMMARY

The Supreme Court of Nevada affirmed the dismissal of James Montell Chappell’s third postconviction petition for a writ of habeas corpus. The court held that claims based on the alleged ineffective assistance of his first postconviction counsel were untimely and could not establish good cause to overcome procedural bars concerning guilt-phase claims. It further held that claims based on the alleged ineffective assistance of second postconviction counsel were timely but lacked merit, and that Chappell failed to establish a fundamental miscarriage of justice.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Michael L. Cadish; Mark Gibbons; Kristina Pickering; Ron D. Parraguirre; Abbi Silver; Douglas W. Herndon; Elizabeth A. Stiglich
JURISDICTION	Nevada
DECIDED	December 30, 2021
DOCKET	77002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court order dismissing a third postconviction petition for a writ of habeas corpus as untimely, successive, an abuse of the writ, and subject to statutory laches.
STANDARD OF REVIEW	The court reviewed the dismissal for procedural bars and statutory laches, including the district court's application of statutory laches for abuse of discretion. Claims concerning ineffective assistance of postconviction counsel were evaluated under Strickland.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	James Montell Chappell v. The State of Nevada

TOPICS

- state post-conviction relief
- successive petitions
- actual innocence
- ineffective assistance
- sentencing

PRACTICE AREAS

state post-conviction relief

capital punishment

criminal procedure

ineffective assistance of counsel

appellate procedure

QUESTIONS PRESENTED

1. Whether Chappell's third postconviction petition was subject to Nevada's timeliness, waiver, successive-petition, abuse-of-the-writ, and statutory-laches bars.
2. Whether ineffective assistance of first postconviction counsel constituted good cause and prejudice to excuse procedurally barred guilt-phase claims.
3. Whether ineffective assistance of second postconviction counsel constituted good cause and prejudice to excuse procedurally barred claims challenging the death sentence imposed after the penalty-phase retrial.
4. Whether Chappell established a fundamental miscarriage of justice through actual innocence or alleged ineligibility for the death penalty.
5. Whether the district court erred by denying the petition without granting further evidentiary relief.

HOLDINGS

1. A claim that postconviction counsel was ineffective and that the ineffectiveness supplies good cause for an otherwise barred habeas claim must be raised within one year after the conclusion of the postconviction proceeding in which the alleged ineffectiveness occurred, measured from the final written district-court decision or, if appealed, the appellate remittitur.
2. Ineffective assistance of postconviction counsel can constitute good cause and prejudice for an untimely or successive petition when the counsel was appointed as a matter of right, but the petitioner must timely raise the claim and prove both deficient performance and prejudice.
3. A petitioner seeking to use ineffective assistance of postconviction counsel as good cause must specifically plead and explain how counsel's performance was objectively unreasonable and how the alleged acts or omissions prejudiced the prior proceeding; conclusory or catchall allegations are insufficient.
4. To overcome Nevada's procedural bars through actual innocence, a petitioner must present new reliable evidence showing factual innocence or ineligibility for the death penalty; perceived legal errors, evidentiary insufficiency, or legal innocence do not suffice.

KEY QUOTATIONS

“To overcome those mandatory procedural bars and avoid dismissal of a postconviction habeas petition, a petitioner must demonstrate good cause and prejudice unless certain narrow exceptions apply.” (2)

“To satisfy those specificity requirements, a petitioner arguing good cause and prejudice in a capital case based on the ineffective assistance of postconviction counsel must specifically plead in the petition and explain in any appellate briefs how postconviction counsel's performance was objectively unreasonable and

how postconviction counsel's acts or omissions prejudiced the petitioner in the prior postconviction proceeding.” (14)

“Therefore, we affirm the district court's order dismissing the petition.” (39)

FACTUAL BACKGROUND

Chappell was mistakenly released from a Las Vegas jail while serving a domestic-battery sentence. He entered his former girlfriend's residence, had sexual intercourse with her, stabbed her to death, and fled in her vehicle. A jury convicted him of first-degree murder with use of a deadly weapon, robbery with use of a deadly weapon, and burglary, and imposed a death sentence. During later penalty proceedings, the jury heard extensive evidence concerning Chappell's substance abuse, cognitive deficits, difficult childhood, learning disability, and diminished free will.

PROCEDURAL HISTORY

Chappell was convicted of capital murder and related offenses, and the Nevada Supreme Court affirmed his conviction and original death sentence on direct appeal. His first postconviction petition resulted in a new penalty hearing, but relief related to the guilt phase was denied. After a penalty-phase retrial and subsequent direct appeal, the district court denied Chappell's second postconviction petition, and the Nevada Supreme Court affirmed. Chappell then filed a third postconviction petition in 2016; the district court held a limited evidentiary hearing and dismissed the petition on procedural grounds. The Nevada Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Chappell v. State, 114 Nev. 1403, 972 P.2d 838 (1998)
- State v. Eighth Judicial Dist. Court (Riker), 121 Nev. 225, 112 P.3d 1070 (2005)
- Hathaway v. State, 119 Nev. 248, 71 P.3d 503 (2003)
- State v. Powell, 122 Nev. 751, 138 P.3d 453 (2006)
- Rippo v. State, 134 Nev. 411, 423 P.3d 1084 (2018)
- Lisle v. State, 131 Nev. 356, 351 P.3d 725 (2015)
- State v. Huebler, 128 Nev. 192, 275 P.3d 91 (2012)
- Johnson v. State, 133 Nev. 571, 402 P.3d 1266 (2017)
- People v. Kemp, 517 P.2d 826 (Cal. 1974)
- Witter v. State, 135 Nev. 412, 452 P.3d 406 (2019)
- Brown v. McDaniel, 130 Nev. 565, 331 P.3d 867 (2014)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Haberstroh, 119 Nev. 173, 69 P.3d 676 (2003)
- Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984)

- Riley v. State, 110 Nev. 638, 878 P.2d 272 (1994)
- Evans v. State, 117 Nev. 609, 28 P.3d 498 (2001)
- In re Reno, 283 P.3d 1181 (Cal. 2012)
- Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975)
- Hsu v. County of Clark, 123 Nev. 625, 173 P.3d 724 (2007)
- Blake v. State, 121 Nev. 779, 121 P.3d 567 (2005)
- Weber v. State, 121 Nev. 554, 119 P.3d 107 (2005)
- Cullen v. Pinholster, 563 U.S. 170 (2011)
- Atkins v. Virginia, 536 U.S. 304 (2002)
- Hurst v. Florida, 577 U.S. 92 (2016)
- Castillo v. State, 135 Nev. 126, 442 P.3d 558 (2019)
- Jeremias v. State, 134 Nev. 46, 412 P.3d 43 (2018)
- Clemons v. Mississippi, 494 U.S. 738 (1990)
- McKinney v. Arizona, 589 U.S. 139, 140 S. Ct. 702 (2020)
- Byford v. State, 116 Nev. 215, 994 P.2d 700 (2000)
- Pellegrini v. State, 117 Nev. 860, 34 P.3d 519 (2001)
- House v. Bell, 547 U.S. 518 (2006)
- Talancon v. State, 102 Nev. 294, 721 P.2d 764 (1986)
- Roper v. Simmons, 543 U.S. 551 (2005)
- Nunnery v. State, 127 Nev. 749, 263 P.3d 235 (2011)
- McConnell v. State, 125 Nev. 243, 212 P.3d 307 (2009)
- Leonard v. State, 117 Nev. 53, 17 P.3d 397 (2001)
- Flanagan v. State, 112 Nev. 1409, 930 P.2d 691 (1996)
- Mitchell v. State, 122 Nev. 1269, 149 P.3d 33 (2006)
- Little v. Warden, 117 Nev. 845, 34 P.3d 540 (2001)