

**SUPREME COURT OF THE STATE OF NEVADA**

FREDERICK H. HARRIS, JR., )

#1149356, )

Appellant, )

v. )

STATE OF NEVADA, )

Respondent. )

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Electronically Filed  
Jun 08 2020 02:29 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
81257/81257  
Supreme Court No:

D.C. case no.: A-18-784704-W

C-13-291374-1

Dept.: **XII**

**E-filed**

**DOCKETING STATEMENT - CRIMINAL APPEALS**

1. Eighth Judicial District, County of Clark, Judge Michelle Leavitt, District

Court Case number: **A-18-784704-W / C-13-291374-1.**

2. If the Defendant was given a sentence,

(a.) what is the sentence?

Defendant was sentenced to the Nevada Department of Corrections as follows:

Life with a MINIMUM Parole Eligibility in 720 MONTHS.

(b.) has the sentence been stayed pending appeal? No.

(c.) was defendant admitted to bail pending appeal? No.

3. Was counsel in the district court appointed or retained? APPOINTED.

4. Attorney filing this docketing statement:

Attorney: Terrence M. Jackson Telephone: 702.386.0001

Firm: Law Office of Terrence M. Jackson

624 South Ninth Street

Las Vegas, Nevada 89101

Client: Frederick Harold Harris, Jr.

5. Is appellate counsel appointed or retained? APPOINTED.

6. Attorney(s) representing respondent(s):

Attorney: Steven B. Wolfson Telephone: 702.671.2500

Firm: Clark County District Attorney

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

Client: State of Nevada

Attorney: James R. Sweetin Telephone: 702.671.2790

Firm: Chief Deputy District Attorney - Criminal Division

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

7. Nature of disposition: Denial of Post-Conviction Habeas. (NRS ch. 34)
8. Does this appeal raise issues concerning any of the following:
- death sentence                       juvenile offender
- life sentence                               pretrial proceedings
9. Expedited appeals: The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?    No.
10. Pending and prior proceedings in this court: **81255 / 81257**; A-18-784704-W.
- Note:** Direct Appeal of trial, case number C-13-291374-1, NSC 69093, 69093-COA Remittitur was issued November 21, 2017.
11. Pending and prior proceedings in other courts: N/A

12. Nature of action. Briefly describe the nature of the action and the result below:

Defendant/Appellant was convicted of multiple counts of sexual, kidnapping, lewdness and related charges. On April 15, 2014, after jury trial lasting 14 days, Defendant was sentenced to life sentence with a minimum parole eligibility of 720 months on October 27, 2015. On November 2, 2015, Judgment of Conviction was filed. On November 14, 2015, an Amended Judgment of Conviction was filed. On May 24, 2017, Defendant's conviction was Affirmed in the Nevada Supreme Court and Remittitur was issued on November 21, 2017.

On November 16, 2018, Defendant filed a Petition for Writ of Habeas Corpus.

On November 1, 2019, counsel filed Supplementary Points and Authorities. On April 23, 2020, the District Court denied Defendant's Petition after an evidentiary hearing. The Court issued Findings of Fact, Conclusions of Law and Order on May 21, 2020, and Notice of Entry on May 28, 2020.

13. Issues on Appeal. State specifically all issues in this appeal:

1) Whether the District Court erred in finding defense counsel was not ineffective for failing to do adequate pretrial preparation and investigation which included hiring necessary experts;

2) Whether the District Court erred by finding defense counsel was not ineffective during the jury selection process;

3) Whether defense counsel erred by not filing a meritorious motion for a defense Psychiatric Examination of the alleged victim(s);

4) Whether defense counsel was an ineffective advocate during trial;

a) Whether defense counsel was ineffective at cross-examining State's witnesses;

b) Whether defense counsel was ineffective handling prosecutorial misconduct which involved personally vouching for the credibility of the State's witnesses;

c) Whether defense counsel was ineffective during closing argument;

5) Whether defense counsel was an ineffective advocate at sentencing;

- 6) Whether defense counsel was an ineffective advocate for the Motion for a New Trial;
- 7) Whether defense counsel rendered ineffective assistance of counsel on appeal;
- 8) Whether cumulative errors by counsel requires reversal of Defendant's conviction.

Defendant respectfully requests the right to add additional issues to his Opening Brief if this is warranted by further research.

14. Constitutional issues: If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A

Yes

No

15. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issues or circumstances that warrant retaining the case, and include an explanation of their importance or significance:

Under NRAP 17 2(a), 17 (3), because this is the appeal of a post-conviction Writ of an A felony resulting from a jury trial, and the Defendant received a life sentence, the Supreme Court should retain this case.

16. Issues of first impression or of public interest. Does this appeal present a substantial legal issue of first impression in this jurisdiction or one affecting an important public interest?

First impression:  Yes  No.

Public interest:  Yes  No.

17. Length of trial. If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

Trial lasted fourteen (14) days.

18. Oral argument. Would you object to submission of this appeal for disposition without oral argument?  Yes  No.

19. Date district court announced decision, sentence or order appealed from:

April 23, 2020.

20. Date of entry of written judgment or order appealed from: May 21, 2020.

21. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court:

(a.) Was service by delivery [ ] or by mail [X].

22. If the time for filing the notice of appeal was tolled by a post judgment motion:

N/A

23. Date notice of appeal filed: May 27, 2020.

24. Specify statute or rule governing the time limit for filing notice of appeal:

NRAP 4(b)

25. Specify statute, rule or other authority that grants this court jurisdiction to

review from: NRS 177.015(1)(b)

### **VERIFICATION**

**I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.**

Frederick Harold Harris, Jr.

Name of Appellant

Terrence M. Jackson, Esq.

Name of Counsel of Record

June 8, 2020

Date

//s// Terrence M. Jackson

Signature of counsel of record

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**CERTIFICATE OF SERVICE**

I certify that on the 8th day of June, 2020, I served a copy of this completed docketing statement upon all counsel of record:

[ X ] Via Electronic Service (eFlex) to the Nevada Supreme Court;

[ X ] and by United States first class mail with postage affixed to the Nevada

Attorney General and to the Defendant as follows:

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By:  /s/ Ila C. Wills  
Assistant to T. M. Jackson, Esq.