

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

INDICATE FULL CAPTION:

THE STATE OF NEVADA,  
RESPONDENT,

VS.

JACK LEAL,  
APPELLANT

No. 74050

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

(Including appeals from pretrial and post-conviction  
rulings and other requests for post-conviction relief)

Electronically Filed  
Oct 11 2017 12:32 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions.

Revised December 2015

Docket 74050 Document 2017-34608

1. Judicial District EIGHTH County CLARK

Judge MICHAEL VILLANI District Ct. Case No. C322664

2. If the defendant was given a sentence,

(a) what is the sentence?

MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION (F). COURT ORDERED, Restitution in the amount of \$757,420.00 Defendant SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC) with ZERO (0) DAYS credit for time served.

(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  ?

4. **Attorney filling this docketing statement:**

Attorney CRAIG A. MUELLER Telephone (702) 940-1234

Firm MUELLER HINDS & ASSOCIATES, CHTD

Address: 600 S. EIGHTH ST.  
LAS VEGAS, NV 89101

Client(s) JACK LEAL

5. Is appellate counsel appointed  or retained  ?

**If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.**

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

Attorney ADAM LAXALT Telephone (702) 486-3420

Firm NEVADA ATTORNEY GENERAL

Address: 555 E. WASHINGTON AVE, SUITE 3900  
LAS VEGAS, NV 89101

Client(s) STATE OF NEVADA

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address:

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**7. Nature of disposition below:**

- |  |  |
|--|--|
| <input type="checkbox"/> Judgment after bench trial            | <input type="checkbox"/> Grant of pretrial habeas              |
| <input type="checkbox"/> Judgment after jury verdict           | <input type="checkbox"/> Grant of motion to suppress evidence  |
| <input checked="" type="checkbox"/> Judgment upon guilty plea  | <input type="checkbox"/> Post-conviction habeas (NRS ch. 34)   |
| <input type="checkbox"/> Grant of pretrial motion to dismiss   | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> Parole/probation revocation           | <input type="checkbox"/> Other disposition (specify):          |
| <input type="checkbox"/> Motion for new trial                  |  |
| <input type="checkbox"/> grant <input type="checkbox"/> denial |  |
| <input type="checkbox"/> Motion to withdraw guilty plea        |  |
| <input type="checkbox"/> grant <input type="checkbox"/> denial |  |

**8. Does this appeal raise issues concerning any of the following:**

- |   |   |
|---|---|
| <input type="checkbox"/> death sentence | <input type="checkbox"/> juvenile offender    |
| <input type="checkbox"/> life sentence  | <input type="checkbox"/> 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?

- Yes       No

**10. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

NA

**11. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

NA

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

The appellant plead guilty to one count of Multiple Transactions Involving Fraud or Deceit and was sentenced to 72 to 180 months in NDOC.

**13. Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

Appellant reserves the right to raise issues in addition to the following:

1. Per the terms of the guilty plea, if appellant had paid the restitution prior to sentencing, the State of Nevada would have not opposed probation, but due to a fight with his codefendant, appellant was unable to pay the restitution at that particular moment. Did the State breach the terms of the agreement by not allowing appellant a short continuance to finish liquidating his assets in order to pay the restitution prior to sentencing?
2. Did the district court err by failing to hold an evidentiary hearing into the appellant's ability to pay the restitution at the time of sentencing?
3. Did the district court err by failing to appoint conflict counsel for appellant?

**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

If not, explain:

**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 issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

N/A

**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?

N/A days

**18. Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes  No

**TIMELINESS OF NOTICE OF APPEAL**

19. Date district court announced decision, sentence or order appealed from August 17, 2017

20. Date of entry of written judgment or order appealed from August 23, 2017

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

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

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

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (newly discovered evidence) \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (other grounds) \_\_\_\_\_ Date filed \_\_\_\_\_

(b) Date of entry of written order resolving motion \_\_\_\_\_

23. Date notice of appeal filed September 14, 2017

24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other

NRAP 4(b)(1), NRS 177.015(3), NRS 177.015(4)

**SUBSTANTIVE APPEALABILITY**

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

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.560(2) _____
NRS 177.015(3) <u>X</u> _____	Other (specify) _____
NRS 177.055 _____	

**VERIFICATION**

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

Jack Leal  
 \_\_\_\_\_  
 Name of appellant  
 10/4/2017  
 \_\_\_\_\_  
 Date

Craig A. Mueller  
 \_\_\_\_\_  
 Name of counsel of record  
 \_\_\_\_\_  
 Signature of counsel of record

**CERTIFICATE OF SERVICE**

I certify that on the 10 day of October, 2017, I served a copy of this completed docketing statement upon all counsel of record:

By personally serving it upon him/her; or

By mailing it by first class mail with sufficient postage prepaid to the following address(es):

ADAM P. LAXALT, ESQ. C/O MICHAEL C. KOVAC, ESQ.  
 555 E. WASHINGTON AVE, SUITE 3900  
 LAS VEGAS, NV 89101

Dated this 10 day of Oct, 2017.

[Signature]  
 \_\_\_\_\_  
 Signature