

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

ANDREW YOUNG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84412

Electronically Filed
Apr 07 2022 01:09 p.m.

**DOCKETING STATEMENT
CRIMINAL APPEALS**

Elizabeth A. Brown
Clerk of Supreme Court

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

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.

1. Judicial District Eighth County Clark

Judge The Honorable Jacqueline M. Bluth District Ct. Case No. C-20-350623

2. If the defendant was given a sentence,

(a) what is the sentence?

COUNT 23 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Defendant SENTENCED under the LARGE HABITUAL CRIMINAL STATUTE to LIFE with a MINIMUM parole eligibility of TEN (10) YEARS.

(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 Jason R. Margolis Telephone (702) 385-9777

Firm Yampolsky & Margolis

Address: 625 S. 6th Street, Las Vegas, Nevada 89101

Client(s) Andrew Young

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.

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):

Andrew Young v. The State of Nevada, Docket No. 83242

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):

N/A

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

See attached.

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

1. That the evidence was insufficient to convict Mr. Young of battery with a deadly weapon resulting in substantial bodily harm beyond a reasonable doubt.
2. Following the granting of Mr. Young's Motion to Sever the theft charges from the battery and attempt murder charges, Judge Bluth committed reversible error in granting the State's Res Gestae Motion causing insurmountable unfair prejudice to Mr. Young.

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:

Appellant faces a potential life sentence.

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?

3 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 2/27/2022

20. Date of entry of written judgment or order appealed from 3/8/2022

(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 N/A Date filed _____

New trial (newly discovered evidence) N/A Date filed _____

New trial (other grounds) N/A Date filed _____

(b) Date of entry of written order resolving motion N/A

23. Date notice of appeal filed 3/15/22

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

NRS 177.015(2)

SUBSTANTIVE APPEALABILITY

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

NRS 177.015(1)(b) XX NRS 34.560 _____

NRS 177.015(1)(c) _____ NRS 34.575(1) _____

NRS 177.015(2) _____ NRS 34.560(2) _____

NRS 177.015(3) _____ 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.

Andrew Young

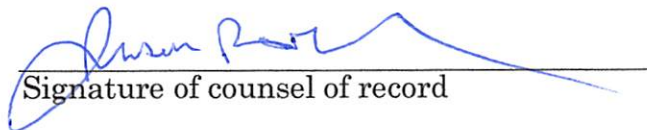
Name of appellant

Jason R. Margolis

Name of counsel of record

4/7/2022

Date



Signature of counsel of record

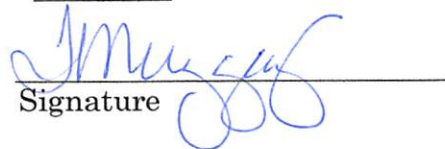
CERTIFICATE OF SERVICE

I certify that on the 7 day of ^{APR.} 2022, 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):

Office of the District Attorney, 200 Lewis Avenue, Las Vegas, Nevada 89155; and
Office of the Attorney General, 555 E. Washington Avenue, Suite 3900, Las Vegas, Nevada 89101

Dated this 7th day of April, 2022.



Signature

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

On September 10, 2020, an Indictment was filed charging the Defendant with:

- Count 1 - Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm;
and
- Count 2 - Attempt Murder with Use of a Deadly Weapon.

On October 1, 2020, an Amended Superseding Indictment was filed charging the Defendant with:

- Count 1 - Burglary
- Count 2 - Larceny from the Person, Victim 60 Years of Age or Older;
- Count 3 - Grand Larceny;
- Count 4 - Burglary;
- Count 5 - Fraudulent use of Credit or Debit Card;
- Count 6 - Burglary;
- Count 7 - Burglary;
- Count 8 - Larceny from the Person, Victim 60 Years of Age or Older;
- Count 9 - Burglary;
- Count 10 - Larceny from the Person, Victim 60 Years of Age or Older;
- Count 11 - Burglary;
- Count 12 - Fraudulent use of Credit or Debit Card;
- Count 13 - Burglary;
- Count 14 - Fraudulent use of Credit or Debit Card;
- Count 15 - Burglary;
- Count 16 - Larceny from the Person, Victim 60 Years of Age or Older;
- Count 17 - Battery with use of a Deadly Weapon Resulting in Substantial Bodily Harm;
- Count 18 - Attempt Murder with use of a Deadly Weapon;
- Count 19 - Burglary;
- Count 20 - Fraudulent use of Credit or Debit Card;
- Count 21 - Burglary;
- Count 22 - Fraudulent use of Credit or Debit Card;
- Count 23 - Burglary;
- Count 24 - Burglary.

On March 29, 2021, another Amended Superseding Indictment was filed charging the Defendant with:

- Count 1 - Burglary
- Count 2 - Larceny from the Person, Victim 60 Years of Age or Older;
- Count 3 - Grand Larceny;
- Count 4 - Burglary;
- Count 5 - Fraudulent use of Credit or Debit Card;
- Count 6 - Burglary;

Count 7 - Burglary;
Count 8 - Larceny from the Person, Victim 60 Years of Age or Older;
Count 9 - Burglary;
Count 10 - Larceny from the Person, Victim 60 Years of Age or Older;
Count 11 - Burglary;
Count 12 - Fraudulent use of Credit or Debit Card;
Count 13 - Burglary;
Count 14 - Fraudulent use of Credit or Debit Card;
Count 15 - Burglary;
Count 16 - Larceny from the Person, Victim 60 Years of Age or Older;
Count 17 - Burglary;
Count 18 - Fraudulent use of Credit or Debit Card;
Count 19 - Burglary;
Count 20 - Fraudulent use of Credit or Debit Card;
Count 21 - Burglary
Count 22 - Burglary
Count 23 - Battery with use of a Deadly Weapon Resulting in Substantial Bodily Harm;
and
Count 24 - Attempt Murder with use of a Deadly Weapon.

On April 30, 2021, a jury found Appellant guilty of on Counts 1 through 14, 15, 16, 17, 18, 19, 21 and 22. An appeal was filed under Docket No. 83242.

On February 10, 2022, a jury found appellant guilty on Count 23. This appeal followed.