



ORIGINAL

In the Supreme Court of the State of Nevada

FILED

JAN 05 2004

INDICATE FULL CAPTION:

MICHAEL RIPPO

Appellant(s),

vs.

STATE OF NEVADA

Respondent(s).

No. 44094

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

DOCKETING STATEMENT
CRIMINAL APPEALS

(Including pretrial and post-conviction habeas corpus, and petitions for post-conviction relief)

GENERAL INFORMATION

1. Judicial District EIGHTH County CLARK
Judge DONALD M. MOSLEY District Ct. Docket No. _____

2. If the defendant was given a sentence,
(a) what is the sentence? SEE ATTACHED

(b) has the sentence been stayed pending appeal? NO
(c) was defendant admitted to bail pending appeal? NO

3. Was trial or post-conviction counsel appointed X or retained _____?

4. Attorney filing this docketing statement:

Attorney CHRISTOPHER R. ORAM, ESQ. Telephone 702-384-5563
Firm _____
Address 520 S. FOURTH STREET, SECOND FLOOR
LAS VEGAS, NEVADA 89101
Client(s) _____

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.

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

Attorney DAVID ROGER Telephone _____
Firm DISTRICT ATTORNEY
Address 200 S. THIRD STREET, SEVENTH FLOOR
LAS VEGAS, NEVADA 89155
Client(s) _____

Attorney BRIAN SANDOVAL Telephone _____
Firm ATTORNEY GENERAL
Address 100 NORTH CARSON STREET, CARSON CITY, NV 89701
Client(s) _____

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

(List additional counsel on separate sheet if necessary)

04-21666

6. Nature of disposition below:

- ☐ Judgment after bench trial
- ☐ Judgment after jury verdict
- ☐ Judgment upon guilty plea
- ☐ Grant of pretrial motion to dismiss
- ☐ Parole/Probation revocation
- ☐ Motion for new trial
 - ☐ grant ☐ denial
- ☐ Motion to withdraw guilty plea
 - ☐ grant ☐ denial

- ☐ Grant of pretrial habeas
- ☐ Grant of motion to suppress evidence
- ☐ Post-conviction relief (NRS ch. 177)
 - ☐ grant ☐ denial
- ☒ Post-conviction habeas (NRS ch. 34)
 - ☐ grant ☒ denial
- ☐ Other disposition (specify).....

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

- ☒ death sentence
- ☐ life sentence
- ☐ juvenile offender
- ☐ pretrial proceedings

8. **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.....X.....

9. **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):

DIRECT APPEAL 28865

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

N/A

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

ON MARCH 6, 1996, THE JURY RETURNED VERDICTS OF GUILTY TO COUNTS I, II, III AND IV.

ON MARCH 14, 1996, THE JURY RETURNED A VERDICT OF DEATH.

12. **No Merit Appeal.** If appellant was the defendant below, does counsel intend to file an affidavit of no merit appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967) and *Sanchez v. State*, 85 Nev. 95, 450 P.2d 793 (1969)?

Yes.....No.....X.....

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

MR. RIPPO RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL.

MR. RIPPO RESERVES THE RIGHT TO RAISE ANY ISSUES AS THEY MAY ARISE AND ADDRESS THEM IN HIS OPENING BRIEF.

14. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, 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...X.....

If not, explain.....
.....

15. **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...X.....

Public interest: Yes.....No...X.....

16. **Length of trial.** If this action proceeded to trial in the district court, how many days did the trial last?

14.....days

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

Yes.....No...X.....

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from.....09-10-2004.....

19. Date of entry of written judgment or order appeal from.....NOT ENTERED YET.....

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

20. 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. NOT YET SERVED

(a) Was service by delivery or by mail.....(specify).

21. 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: N/A

Arrest judgment.....Date filed.....

New trial.....Date filed.....

(newly discovered evidence)

New trial.....Date filed.....

(other grounds)

(b) Date of entry of written order resolving motion.....

22. Date notice of appeal filed. 10-12-2004

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.710, NRS 34.815, NRS 177.015(2), or other. NRAP 4(b)

SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority which grants this court jurisdiction to review the judgment or order appealed from:

NRS 177.015(1)(b).....

NRS 177.015(2).....

NRS 177.055.....

NRS 177.385.....

NRS 34.710(3).....

NRS 34.710(4).....

NRS 34.815

Other (specify) NRAP 4(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.

MICHAEL RIPPO

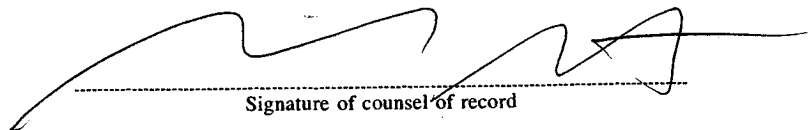
Name of appellant

11-24-04

Date

CHRISTOPHER R. ORAM, ESQ.

Name of counsel of record



Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 24th day of November, 192004, 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):

Brian Sandoval
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

David Roger
District Attorney
200 S. Third Street, 7th Floor
Las Vegas, Nevada 89155

Dated this 24th day of November, 192004

Amonie Miyazato
Signature

CRIMINAL COURT MINUTES

92-C-106784-C STATE OF NEVADA

vs Rippo, Michael D

CONTINUED FROM PAGE: 039

05/17/96 09:00 AM 00 ALL PENDING MOTIONS 5/17/96

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: JOSEPHINE BOHN, Court Clerk
RENEE SILVAGGIO, Reporter/RecorderPARTIES: STATE OF NEVADA
000862 Harmon, Melvyn T.
0001 D1 Rippo, Michael D
001565 Wolfson, Steven B.
000598 Dunleavy, Philip H.Y
Y
Y
Y
YDEFENDANT'S MOTION FOR NEW TRIAL...STEVEN WOLFSON'S MOTION TO WITHDRAW AS
COUNSEL...SENTENCING

Maureen Pelton of the Division of Parole and Probation present. Pursuant to Jury Verdict, DEFENDANT RIPPO ADJUDGED GUILTY of COUNTS I and II MURDER OF THE FIRST DEGREE (F), COUNT III ROBBERY (F) and COUNT IV UNAUTHORIZED SIGNING OF CREDIT CARD TRANSACTION DOCUMENT (F). Speakers Louise Lizzi and Nick Lizzi addressed the Court. Statements by counsel and Defendant. COURT ORDERED, Defendant SENTENCED as to COUNTS I and II to DEATH BY LETHAL INJECTION. COURT FURTHER ORDERED, Defendant SENTENCED to Nevada Department of Prisons, as to COUNT III for FIFTEEN (15) YEARS CONSECUTIVE to COUNTS I and III; as to COUNT IV for TEN (10) YEARS CONSECUTIVE to COUNTS I, II and III. Defendant ORDERED to pay RESTITUTION of \$7,490.00 and \$25.00 Administrative Assessment Fee. NO CREDIT for Time Served.

Mr. Dunleavy moved to withdraw as counsel and David Schieck being appointed. There being no opposition, COURT ORDERED, motion GRANTED. FURTHER ORDERED, Mr. Wolfson's motion to withdraw GRANTED; matter set for CONFIRMATION OF COUNSEL. Mr. Dunleavy moved for a non-contact family visit. No opposition by the State. COURT FURTHER ORDERED, motion GRANTED.

CUSTODY

5/22/96 9:00 AM CONFIRMATION OF COUNSEL (D. SCHIECK)