



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

INDICATE FULL CAPTION:

ZANE MICHAEL FLOYD,

No. 44868

MAR 28 2005

Appellant,

vs.

DOCKETING STATEMENT  
CRIMINAL APPEALS

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY S. Bloom  
DEPUTY CLERK

THE STATE OF NEVADA,

Respondent.

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

GENERAL INFORMATION

1. Judicial District EIGHTH County CLARK  
Judge JACKIE GLASS District Ct. Docket No. C 159897

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

(b) has the sentence been stayed pending appeal? YES

(c) was defendant admitted to bail pending appeal? NO

3. Trial or post conviction counsel appointed XX or retained \_\_\_\_\_

4. Attorney filing this docketing statement:

Attorney DAVID M. SCHIECK Telephone (702)455-6265  
Firm Clark County Special Public Defender's Office  
Address 333 S. Third St., 2nd Floor  
Las Vegas, Nevada 89155  
Client(s) Appellant

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 (702)455-4741  
Firm Clark County District Attorney's Office  
Address 200 S. Third St.  
Las Vegas, Nevada 89155  
Client(s) The State of Nevada

Attorney Brian Sandoval Telephone (775)687-3538  
Firm Nevada Attorney General's Office  
Address 100 N. Carson Street  
Carson City, NV 89701  
Client(s) The State of Nevada

List additional counsel on separate sheet if necessary)

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MAR 28 2005

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CLERK OF SUPREME COURT  
DEPUTY CLERK

05-05961

6. **Nature of disposition below:**

Judgment after bench trial  
Judgment after jury verdict  
Judgment upon guilt 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 XXX                      No \_\_\_\_\_

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):

Floyd v. State, 42 P.3d 249, 118 Nev. 156 (2002); docket no. 36752.

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):

NONE

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

APPEAL FROM DENIAL OF PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) WITHOUT AN EVIDENTIARY HEARING

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 XX

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

- A. Whether Floyd received ineffective assistance of counsel at trial and on direct appeal
- B. Was it an abuse of discretion for the District Court to deny Floyd an Evidentiary Hearing on his Petition for Post Conviction Habeas Corpus
- C. Whether cumulative errors denied Floyd of due process and a fundamentally fair trial

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 XX Yes \_\_\_\_\_ No \_\_\_\_\_

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 XX

Public interest: Yes \_\_\_\_\_ No XX

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

N/A days

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

Yes XX No \_\_\_\_\_

#### **TIMELINESS OF NOTICE OF APPEAL**

18. Date district court announced decision, sentence or order appealed from 1/18/05

19. Date of entry of written judgment or order appealed 2/4/05

(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  
2/25/05
- (a) Was service by delivery or by mail 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:
- |                             |       |            |       |
|-----------------------------|-------|------------|-------|
| 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 MARCH 9, 2005
23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRS 4(b), NRS 34.710, NRS 34.815, NRS 177.015(2), or other  
NRS 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) NRS 177.015(3) \_\_\_\_\_

## VERIFICATION


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

ZANE MICHAEL FLOYD  
Name of Appellant

March 23, 2005

DAVID M. SCHIECK, ESO.  
Name of counsel of record

Name of counsel of record



Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 23 day of MARCH, 2005, 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):

District Attorney's Office  
200 S. Third Street  
Las Vegas NV 89155

Nevada Attorney General's Office  
100 N. Carson Street  
Carson City NV 89701-4717

Zane Floyd, No. 66514  
Appellant  
Ely State Prison  
P.O. Box 1989  
Ely NV 89301

Dated this 23 day of March, 2005.



KATHLEEN FITZGERALD

An employee of the Special Public Defender