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IN THE SUPREME COURT OF THE STATE OF NEVADA

2008 SEP 10 PM 4:21

FILED

DELARIAN WILSON,

NO. 52104

Appellant,

SEP 10 2008

vs.

DOCKETING STATEMENT
CRIMINAL APPEALS
BY TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

THE STATE OF NEVADA,

Respondent.

GENERAL INFORMATION

1. Judicial District: Eighth;

County: Clark;

Judge: James Bixler;

District Court Case No. C232494.

2. If the Defendant was given a sentence:

(a) What is the sentence? Count 1: 72 Months to 180 Months with an equal and consecutive term of 72 Months to 180 Months; Count 2: 72 Months to 180 Months with an equal and consecutive term of 72 Months to 180 Months, consecutive to Count 1; Count 3: Life with Possibility of Parole, consecutive to Count 1.

(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? Retained.

4. Attorney filing this Docketing Statement:

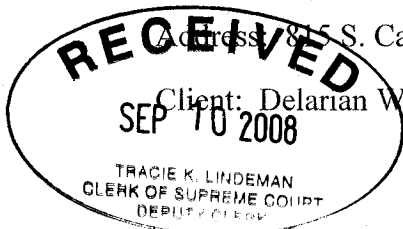
Attorney: James A. Oronoz;

Telephone: (702) 474-4222;

Firm: Draskovich & Oronoz, P.C.;

Address: 815 S. Casino Center Blvd., Las Vegas, Nevada 89101;

Client: Delarian Wilson, Appellant.



08-23430

1 5. Is appellate counsel appointed or retained? Pro Bono.

2 6. Attorney(s) representing Respondent:

3 Attorney: David Roger, Clark County District Attorney;

4 Telephone: (702) 671-2500;

5 Firm: Clark County District Attorney;

6 Address: 200 Lewis Avenue, Las Vegas, Nevada 89155;

7 Client: The State of Nevada.

8 7. Nature of disposition below: Defendant plead guilty.

9 8. Does this appeal raise issues concerning any of the following: death sentence,
10 life sentence, juvenile offender pretrial proceedings? Life sentence.

11 9. Expedited appeals: The court may decide to expedite the appellate process in
12 this matter. Are you in favor of proceeding in such manner? Yes.

13 10. Pending and prior proceedings in this court. Appellate counsel is unaware of any
14 appeals or original proceedings presently or previously pending before this Court which are
15 related to this appeal.

16 11. Pending and prior proceedings in other courts. Appellate counsel is unaware of
17 any appeals or original proceedings presently or previously pending before any other court
18 which are related to this appeal.

19 12. Nature of action.

20 The Defendant, Delarian K. Wilson, was charged by way of Amended Criminal
21 Complaint, with the following crimes: Count 1, Conspiracy to Commit Burglary; Count 2,
22 Conspiracy to Commit Robbery; Counts 3 and 11, Burglary while in Possession of a Deadly
23 Weapon; Counts 4, 5, 6, 7 and 9, Robbery with use of a Deadly Weapon; Count 8, Assault with
24 use of a Deadly Weapon; Count 10, First Degree Kidnapping with use of a Deadly Weapon;
 Count 12, 13, 14, 15, and 17, Sexual Assault with a Deadly Weapon; Count 16, Coercion with
 use of a Deadly Weapon; and Count 18, Open or Gross Lewdness with use of a Deadly
 Weapon. On March 28, 2008, Wilson plead guilty to one count of Robbery with use of a
 Deadly Weapon and one count of Sexual Assault. Wilson was sentenced on July 3, 2008.

1 13. Issues on appeal.

2 Whether the trial court abused its discretion in imposing sentence on Wilson,
3 considering the severity of the sentence; whether the trial court abused its discretion in imposing
4 a sentence upon Wilson that was proportionately greater than Wilson's Co-Defendant, who
5 proceeded to trial and was found guilty, whereas Wilson plead guilty and plead to fewer counts;
6 whether Wilson's sentence constitutes cruel and/or unusual punishment.

7 14. Constitutional issues. Appellant contends that the above issues rise to the level
8 of Constitutional violation.

9 15. Issues of first-impression or of public interest. Does this appeal present a
10 substantial legal issue of first-impression in this jurisdiction or one affecting an important public
11 interest? N/A.

12 16. Length of trial. If this action proceeded to trial or evidentiary hearing in the
13 district court, how many days did the trial or evidentiary hearing last? N/A (Defendant plead
14 guilty; Co-Defendant's trial lasted 7 days)

15 17. Oral argument. Would you object to submission of this appeal for disposition
16 without oral argument? No.

17 **TIMELINESS OF NOTICE OF APPEAL**

18 18. Date district court announced decision, sentence or order appealed from:
19 Sentencing: July 3, 2008.

20 19. Date of entry of written judgment or order appeal from: Judgment of
21 Conviction: July 17, 2008.

22 20. If this appeal is from an order granting or denying a petition for a writ of habeas
23 corpus, indicate the date written notice of entry of judgment or order was served by the district
24 court. N/A.

 21. N/A.

 22. Date notice of appeal filed: August 5, 2008.

 23. Rule governing the time limit for filing the notice of appeal: NRAP 4(b).


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VERIFICATION

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

DRASKOVICH & ORONoz, P.C.


James A. Ornoz

James A. Ordoñez
815 S. Casino Center Blvd.
Las Vegas, Nevada 89101
(702) 474-4222
Attorney for Appellant

CERTIFICATE OF SERVICE

I certify that on the 5 day of Sept., 2008, 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):

DAVID ROGER
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155
Attorney for Respondent

Dated this 5 day of September, 2008.

Geoffrey D. Maguire

Signature