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CLERK OF SUPREME COURT

The seal of the Supreme Court of Nevada is a circular emblem. It features a central figure of a person standing, holding a scale of justice in their right hand and a sword in their left. The figure is flanked by two smaller figures, possibly representing the state and the people. The words "SUPREME COURT STATE OF NEVADA" are inscribed around the top inner edge of the circle, and "FIAT JUSTITIA" is inscribed around the bottom inner edge.

**FILED**

No. 52788

FEB 11 2009

VS.

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

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

Respondent.

1. Judicial District Eighth County Clark  
Judge Stewart Bell District Ct. Docket No. C228752

2. If the defendant was given a sentence,  
(a) what is the sentence? Life without possibility of Parole

(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 Martin Hart Telephone 380-4278  
Firm The Law Offices Of Martin Hart LLC  
Address 229 South Las Vegas Boulevard, Ste #200  
Las Vegas, Nevada 89101  
Client(s) DAIMON MONROE

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 J. Roger Telephone 671-2500  
Firm Clark County District Attorney's Office  
Address 200 Lewis Ave.  
Las Vegas, Nevada 89101  
State of Nevada

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
 Filed **FEB 11 2009**  
 Address \_\_\_\_\_  
**TRACIE K. LINDEMAN**  
**CLERK OF SUPREME COURT**  
**DEPUTY CLERK**

19-03663

(List additional counsel on separate sheet if necessary)

6. **Nature of disposition below:**

- |   |  |
|---|--|
| <input type="checkbox"/> Judgment after bench trial             | <input type="checkbox"/> Grant of pretrial habeas              |
| <input checked="" type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant of motion to suppress evidence  |
| <input type="checkbox"/> Judgment upon guilt plea               | <input type="checkbox"/> Post-conviction relief (NRS ch. 177)  |
| <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"/> Post-conviction habeas (NRS ch. 34)   |
| <input type="checkbox"/> Motion for new trial                   | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> grant <input type="checkbox"/> denial  | <input type="checkbox"/> Other disposition (specify) _____     |
| <input type="checkbox"/> Motion to withdraw guilty plea         | _____  |
| <input type="checkbox"/> grant <input type="checkbox"/> denial  | _____  |

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

- |   |   |
|---|---|
| <input type="checkbox"/> death sentence           | <input type="checkbox"/> juvenile offender    |
| <input checked="" type="checkbox"/> life sentence | <input type="checkbox"/> 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): Appeals #51664, #52916 and #52234

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): Appeal

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

Appellant was charged with 27 counts of possession of stolen property. Defendant was found guilty after jury trial of all counts and sentenced as a habitual criminal.

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:

- 1) Constitutionality of Stop and Search.
- 2) Constitutionality of prosecution by specific D.A. after allegation of murder for hire.

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 (To be filled in by secretary from other document).

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?

6 days.

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

Yes X No \_\_\_\_\_

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

18. Date district court announced decision, sentence or order appealed from October 1, 2008.

19. Date of entry of written judgment or order appealed from November 4, 2008

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

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 N/A

(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: N/A

(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 November 19, 2008

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 34.710(3)	_____
NRS 177.015(2)	_____	NRS 34.710(4)	_____
NRS 177.055	_____	NRS 34.815	_____
NRS 177.385	_____	NRS 177.015(3)	<u>X</u>

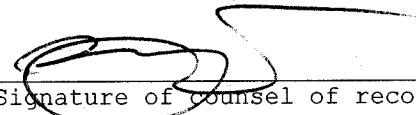
# VERIFICATION

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

DAIMON MONROE  
Name of appellant

Martin Hart  
Name of counsel or record

2-6-09  
Date

  
Signature of counsel of record

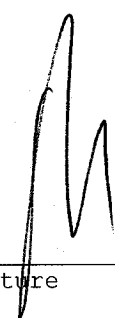
**CERTIFICATE OF SERVICE**

I certify that on the 6 day of February, 2008, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ by personally serving it upon him/her District Attorney Appellate; or  
☒ by mailing it by first class mail with sufficient postage prepaid to the following address(es):

David Roger  
District Attorney  
200 Lewis Ave  
Las Vegas, NV 89101

Dated this 6 day of February, 2008.

  
\_\_\_\_\_  
Signature