



IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

JUSTIN JUG CAPRI PORTER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 54866

Electronically Filed
Nov 17 2009 02:40 p.m.
Tracie K. Lindeman

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 Elissa Cadish District Ct. Docket No. C174954
2. If the defendant was given a sentence,
(a) what is the sentence? Second Degree Murder With Use of a Deadly Weapon and sentenced to \$25 Admin. fee; \$150 DNA analysis fee; genetic testing; \$425 restitution; \$2,421.50 extradition costs; 120 months to Life in prison plus a consecutive term of 120 months to Life in prison; 3,338 days CTS; Counts 1 & 2 Not Guilty.
(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 XX or retained _____?

4. **Attorney filing this docketing statement:**

Attorney HOWARD S. BROOKS, #3374 Telephone 455-4576
Firm Clark County Public Defender's Office
Address 309 S. Third St., #226
Las Vegas, Nevada 89155
Client(s) JUSTIN JUG CAPRI PORTER

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 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 _____ Telephone _____
Firm _____
Address _____
Client(s) _____

(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 XX

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): N/A

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: Appellate counsel did not serve as trial counsel; has not completed a thorough review of the lower court proceedings; and is therefore unable to concisely state the nature of the action at the present time.

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: Appellate counsel did not serve as trial counsel; has not completed a thorough review of the lower court proceedings; and is therefore unable to concisely state the principal issues on appeal at the present time.

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 _____ Unknown at this time.
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 _____ Unknown at this time.
Public interest: Yes _____ No _____ Unknown at this time.

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

5 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 09/30/09

19. Date of entry of written judgment or order appealed from 10/13/09.

(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:

(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 10/29/09.

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>XX</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.

JUSTIN JUG CAPRI PORTER
Name of appellant

HOWARD S. BROOKS, #3374
Name of counsel or record

11/17/09
Date


Signature of counsel of record

CERTIFICATE OF SERVICE

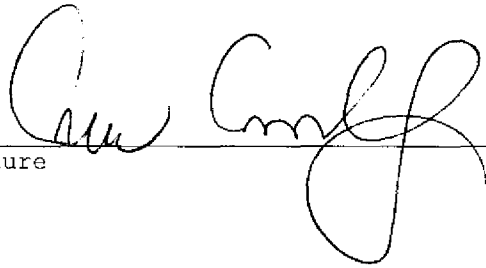
I certify that on the 17th day of November, 2009, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ 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
Clark County District Attorney
Attn: Appellate Division
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155

Dated this 17th day of November, 2009.

Signature

A handwritten signature in black ink, appearing to read "David Roger", is written over a horizontal line. The signature is stylized with large, flowing loops.