

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

NARCUS WESLEY  
Appellant

No. 57473

Electronically Filed  
Mar 08 2011 08:47 a.m.  
Tracie K. Lindeman

DOCKETING STATEMENT  
CRIMINAL APPEALS

vs.

(Including appeals from pretrial and post-conviction rulings and other requests for post-conviction relief)

THE STATE OF NEVADA  
Respondent

GENERAL INFORMATION

1. Judicial District Eighth County Clark  
Judge HONORABLE JAMES BIXLER District Ct Case No. C232494

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

Count 1 Minimum 12 Months to Maximum 12 Months; Count 2 Minimum 28 Months to Maximum 72 Months; Count 3 72 Months to Maximum 180 Months; Count 4 18 Months to Maximum 60 Months with an equal and consecutive 18 Months to Maximum 60 Months; Count 5 Minimum 24 Months to Maximum 72 Months; Count 6 Minimum 18 Months to Maximum 60 Months with an equal and consecutive Minimum 18 Months to Maximum 60 Months; Count 7 Minimum 18 Months to Maximum 60 Months with an equal and consecutive Minimum 18 Months to Maximum 72 Months; Count 8 Minimum 24 Months to Maximum 72 Months; Count 9 Minimum 18 Months to Maximum 60 Months with an equal and consecutive Minimum 18 Months to Maximum 60 Months; Count 10 Minimum 72 Months to Maximum 180 Months plus an equal and consecutive Minimum 72 Months to Maximum 180 Months; Count 11 Minimum 72 Months to Maximum 180 Months; Count 12 Life with the possibility of parole; Count 13 Life with the possibility of parole; Count 14 Life with the possibility of parole; Count 15 Life with the possibility of parole; Count 16 24 Months to Maximum 72 Months with an equal and consecutive 24 Months to Maximum 72 Months; Count 17 Life with the possibility of parole; Count 18 Minimum 12 Months to Maximum 12 Months.

(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 ☐?

4. Attorney filing this docketing statement:

Attorney Christopher R. Oram Esq. Telephone (702)598-1471  
Firm: Christopher R. Oram LTD.  
Address:

Client(s) Narcus Wesley

5. Is appellate counsel appointed ☒ or retained ☐?

**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.**

**6. Attorney(s) representing respondent(s):**

Attorney David Roger Telephone (702) 671-2500

Firm: District Attorney

Address: 200 Lewis Avenue  
Las Vegas, Nevada 89101

Client(s) State of Nevada

Attorney Catherine Cortez-Masto Telephone \_\_\_\_\_

Firm: Attorney General

Address: 100 North Carson Street  
Carson City, Nevada 89701-4717

Client(s) State of Nevada

(List additional counsel on separate sheet if necessary)

**7. Nature of disposition below:**

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

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

☐ death sentence  
☒ life sentence

☐ juvenile offender  
☐ pretrial proceedings

**9. 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 ☒

**10. 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):

Wesley Narcus v. State of Nevada, 52104, 52127

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

State of Nevada v. Narcus Wesley, C232494

**12. Nature of action.** Briefly describe the nature of the action and the result below:  
On December 7, 2010, the district court denied Mr. Wesley's petition for writ of habeas corpus orally. The findings of fact, conclusions of law and order was filed on January 4, 2011.

**13. Issues on appeal.** State concisely the principal issue(s) in this appeal:  
Mr. Wesley reserves the right to raise issues as they become known.

**14. Constitutional issues.** If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, 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 ☐  
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 ☒  
Public interest: Yes ☐ No ☒

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

7 days

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

Yes ☒ No ☐

#### TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from 12/07/2010

19. Date of entry of written judgment or order appeal from January 4, 2011

(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 by the district court

(a) Was service by delivery ☐ or by mail ☒.

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 12/28/2010

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other

### SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority that grants this court jurisdiction to review from:

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.575(2) _____
NRS 177.015(3) _____	Other (specify) <u>NRAP 4(b)</u>
NRS 177.055 _____	

### VERIFICATION

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

Narcus Wesley

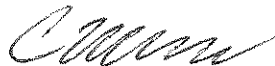
Name of appellant

March 8, 2011

Date

Christopher R. Oram Esq.

Name of counsel of record



Signature of counsel of record

### CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on March 7, 2011. Electronic Service of the foregoing document shall be made in accordance with the Master Service

List as follows:

CATHERINE CORTEZ-MASTO  
Nevada Attorney General

STEVE OWENS  
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Jessie Folkestad

An Employee of Christopher R. Oram, Esq.