



# IN THE SUPREME COURT OF THE STATE OF NEVADA

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Tracie K. Lindeman  
Clerk of Supreme Court

INDICATE FULL CAPTION:

DARNELL T., a Minor, )  
)  
Appellant, )  
vs. )  
)  
THE STATE OF NEVADA, )  
)  
Respondent. )

No. 62009

## DOCKETING STATEMENT CIVIL APPEALS

### GENERAL INFORMATION

1. Judicial District Eighth Judicial District County Clark County  
Judge Honorable Judge William Voy District Ct. Docket No. J12-306934/9

2. Attorney filing this docketing statement:

Attorney KERRI J. MAXEY, #9118 Telephone 455-4576  
Firm Clark County Public Defender's Office  
Address 309 S. Third St., #226  
Las Vegas, Nevada 89155  
Client(s) DARNELL T., a Minor

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.

3. Attorney(s) representing respondent(s):

Attorney Steven B. Wolfson 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)

4. Nature of disposition below:

<input type="checkbox"/> Judgment after bench trial	<input type="checkbox"/> Grant/Denial of NRCP 60(b) relief
<input type="checkbox"/> Judgment after jury verdict	<input type="checkbox"/> Grant/Denial of injunction
<input type="checkbox"/> Summary judgment	<input type="checkbox"/> Review of agency determination
<input type="checkbox"/> Default judgment	<input type="checkbox"/> Divorce Decree:
	<input type="checkbox"/> Original <input type="checkbox"/> Modification
	x Other disposition (specify) <u>Juvenile</u>

Certification

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

- |  |  |
|--|--|
| <input type="checkbox"/> Child custody | <input type="checkbox"/> Termination of parental rights    |
| <input type="checkbox"/> Venue         | <input type="checkbox"/> Grant/denial of injunction of TRO |
| <input type="checkbox"/> Adoption      | <input checked="" type="checkbox"/> Juvenile matters       |

6. 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: N/A

7. 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., bankruptcy, consolidated or bifurcated proceedings) and there dates of disposition: N/A

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

The State sought certification of the subject minor. Subject Minor was certified by the District Court.

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

The District Court abused it's discretion by certifying a mild mentally retarded juvenile.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised: N/A

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, 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 \_\_\_\_\_

12. Other issues. Does this appeal involve any of the following issues?

- ☐ Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))
- ☐ An issue arising under the United States and/or Nevada Constitutions
- ☐ A substantial issue of first-impression
- ☐ An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decision
- ☐ A ballot question

If so, explain: Whether the State met its constitutional burden of proving each and every element of the offenses beyond a reasonable doubt, and whether the District Court erred in denying the subject minor a right to present a defense under the sixth and fourteenth amendments to the United States' Constitution (confrontation and due process clauses).

13. Trial. If this action proceeded to trial, how many days did the trial last? NA

Was it a bench or jury trial? NA

14. Judicial disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which Justice? No.

#### TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from 10/04/2012. Attach a copy. If more than one judgment or order is appealed from, attach copies of each judgment or order from which an appeal is taken.

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

16. Date written notice of entry of judgment or order served 10/4/2012. Attach a copy, including proof of service, for each order or judgment appealed from.

(a) Was service by delivery x or by mail \_\_\_\_\_ (specify).  
(Defense counsel obtained copy - \_\_\_\_\_)

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59),

(a) Specify the type of motion, and the date and method of service of the motion and the date of filing.

NRCP 50(b)	_____	Date served	_____	By delivery	_____	or by mail	_____	Date of Filing	_____
NRCP 52(b)	_____	Date served	_____	By delivery	_____	or by mail	_____	Date of Filing	_____
NRCP 59	_____	Date served	_____	By delivery	_____	or by mail	_____	Date of Filing	_____

Attach copies of all post-trial tolling motions.

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration do not toll the time for filing of notice of appeal.

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_. Attach a copy.

(c) Date written notice of entry of order resolving motion served \_\_\_\_\_. Attach a copy, including proof of service.

(i) Was service by delivery \_\_\_\_\_ or by mail \_\_\_\_\_ (specify).

18. Date notice of appeal was filed. 10/31/12.

(a) If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal: N/A

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g.,  
NRAP 4(a), NRS 155.190, or other NRAP 4(a).

### SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

NRAP 3A(b)(1) XX NRS 155.190 \_\_\_\_\_ (specify subsection) \_\_\_\_\_  
NRAP 3A(b)(2) \_\_\_\_\_ NRS 38.205 \_\_\_\_\_ (specify subsection) \_\_\_\_\_  
NRAP 3A(b)(3) \_\_\_\_\_ NRS 703.376 \_\_\_\_\_  
Other (specify) \_\_\_\_\_

Explain how each authority provides a basis for appeal from the judgment or order:

May appeal from a final judgment in an action or proceeding commenced in a court where the judgment is rendered.

21. List all parties involved in the action in the district court:

Darnell T., a minor  
State of Nevada

(a) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (i.e., order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition. N/A

23. Attach copies of the last-filed version of all complaints, counterclaims and/or cross-claims filed in the district court. N/A

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below: N/A

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

25. If you answered "No" to the immediately previous question, complete the following:

- (a) Specify the claims remaining pending below:  
(b) Specify the parties remaining below:  
(c) Did the district court certify the judgment or order appealed from a final judgment pursuant to NRCP 54(b):

Yes \_\_\_\_\_ No \_\_\_\_\_. If "Yes" attach a copy of the certification or order, including any notice of entry and proof of service.

- (d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment: N/A

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

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

Order is independently appealable under NRAP 3A(b)(1).

#### VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Darnell T., a minor  
Name of appellant

KERRI J. MAXEY, #9118  
Name of counsel or record

11/13/12  
Date

E-File  
Signature of counsel of record

State of Nevada, County of Clark  
State and county were signed

CERTIFICATE OF SERVICE

I certify that on the 17th day of November, 2012, 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):

Cindy Herron  
Chief Deputy District Attorney  
Juvenile Division  
601 North Pecos Road  
Las Vegas, NV 89101

Dated this 17th day of November, 2012.

Signature

