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Electronically Filed  
Dec 26, 2013 03:03 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

8 DELARIAN WILSON )  
9 Appellant, )  
10 vs. )  
11 THE STATE OF NEVADA, )  
12 Respondent. )  
13 \_\_\_\_\_ )

Case No. : 64617

14 **DOCKETING STATEMENT**

- 15 1. Judicial District: Eighth Judicial District; County, Clark; Judge James Bixler;  
16 District Court Case Number 07C232494-1.  
17 2. If the defendant was given a sentence,  
18 (a) what is the sentence? Count 1 – Robbery With Use Of A Deadly Weapon –  
19 a maximum of one hundred eighty (180) months with a minimum parole eligibility of  
20 seventy-two (72) months plus an equal and consecutive term of one hundred eighty  
21 (180) months with a minimum parole eligibility of seventy-two (72) months for the  
22 use of a deadly weapon; Count 2 - Robbery With Use Of A Deadly Weapon – a  
23 maximum of one hundred eighty (180) months with a minimum parole eligibility of  
24 seventy-two (72) months plus an equal and consecutive term of one hundred eighty  
25 (180) months with a minimum parole eligibility of seventy-two (72) months for the  
26 use of a deadly weapon; and as to Count 3 – Sexual Assault – Life with a minimum  
27  
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1 parole eligibility of ten (10) years; all counts to run consecutive with five hundred  
2 (500) days credit for time served.

3 (b) was the sentence stayed pending appeal: No.  
4

5 (c) was defendant admitted to bail pending appeal? No.

6 3. Was counsel in the district court appointed or retained? Appointed.  
7

8 4. Attorney filing this docketing statement:

9 Keith C. Brower  
10 The Law Offices Of Keith C. Brower, LLC  
11 8275 South Eastern Suite 200  
12 Las Vegas, NV 89123  
13 Phone: (702) 451-4921  
14 Attorney for Appellant.

15 5. Is appellate counsel appointed or retained? Appointed.

16 If this is a joint statement by multiple appellants, add the names and addresses  
17 of other counsel on an additional sheet accompanied by a certification that they  
18 concur in the filing of this statement.

19 6. Attorney(s) representing respondent(s)

20 Attorney: Steven Wolfson, Clark County District Attorney  
21 Telephone: (702) 671-2500  
22 Firm: Clark County District Attorney's Office  
23 Address: 200 Lewis Avenue, Las Vegas, NV 89101  
24 Client(s): The State Of Nevada

25 7. Nature Of Disposition below:

26 Post Conviction Habeas.

27 8. Does this appeal raise issues concerning any of the following?  
28

1 Death Sentence: No.

Juvenile Offender: No.

2 Life Sentence: Yes.

Pretrial Proceedings: No.

3 9. Expedited appeals: The court may decide to expedite the appellate process in this  
4 matter. Are you in favor of proceeding in such manner?  
5

6 No.

7 10. Pending and prior proceedings in this court. List the case name and docket  
8 number of all appeals or original proceedings presently or previously pending before  
9 this court which are related to this appeal. (e.g. separate appeals by co-defendants,  
10 appeal after post-conviction proceedings):  
11  
12

13 Nevada Supreme Court Case Numbers 52104 and 60309.

14 11. Pending and prior proceedings in other courts. List the case name, number and  
15 court of all pending and prior proceedings in other courts that are related to this appeal  
16 (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings  
17 against co-defendants):  
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20 Not Applicable.

21 12. Nature of action. Briefly describe the nature of the action and the result below:  
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23 This case stems from the reconsideration of Appellant's Petition For Writ Of  
24 Habeas Corpus, and the denial of Appellant's Petition based upon time-barred issues.  
25 This appeal follows.  
26

27 13. Issues on appeal. State concisely the principal issues(s) in this appeal:  
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Whether Appellant was denied the effective assistance of counsel at sentencing and whether Appellant's case was properly time-barred.

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.

Not applicable.

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: No.

Public interest: 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?

Not applicable.

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

No.

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

18. Date district court announced decision, sentence or order appealed from: July 11, 2013.

1 19. Date of written judgment or order appealed from: November 12, 2013.

2 20. If this appeal is from an order granting or denying a petition for a writ of habeas  
3 corpus, indicate the date written notice of entry of judgment or order was served by  
4 the district court:  
5

6 Written notice mailed on November 19, 2013.  
7

8 21. If the time for filing the notice of appeal was tolled by a post judgment motion,

9 (a) Specify the type of motion, and the date of filing of the motion:

10 NOT APPLICABLE  
11

12 (b) Date of entry of written order resolving motion:

13 NOT APPLICABLE  
14

15 22. Date notice of appeal filed:

16 December 10, 2013.

17 23. Specify statute or rule governing the time limit for filing the notice of appeal,  
18 e.g., NRAP 4(B), NRS 34.560, NRS 34.575, NRS 177.015(2), or other:  
19

20 NRS 34.575

21 **SUBSTANTIVE APPEALABILITY**  
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23 24. Specify statute, rule or other authority that grants this court jurisdiction to review  
24 from:

25 NRS 34.575  
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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.

Delarian Wilson (Appellant)      Keith C. Brower, Esq., Attorney For Appellant



December 26, 2013

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**CERTIFICATE OF SERVICE**

I certify that on the 26<sup>th</sup> of December 2013, I electronically filed this document with the Nevada Supreme Court under their E-Filing system; and that any notice received from the Court regarding the need for paper service will be complied with.

Dated this 26<sup>th</sup> day of December, 2013



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Attorney For Appellant Delarian Wilson