

Electronically Filed
Sep 24 2014 12:45 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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1 MONTHS, Count 10 ordered CONSECUTIVE to Count 9; Count 11 – a
2 MAXIMUM of SEVENTY TWO (72) MONTHS with a MINIMUM Parole
3 Eligibility of SIXTEEN (16) MONTHS, Count 11 ordered CONCURRENT to
4 Count 10; Count 12 – a MAXIMUM of SEVENTY TWO (72) MONTHS with a
5 MINIMUM Parole Eligibility of SIXTEEN (16) MONTHS, Count 12 ordered
6 CONCURRENT to Count 11; Count 13 – a MAXIMUM of SEVENTY TWO (72)
7 MONTHS with a MINIMUM Parole Eligibility of SIXTEEN (16) MONTHS,
8 Count 13 ordered CONCURRENT to Count 12; Count 14 – a MAXIMUM of
9 SEVENTY TWO (72) MONTHS with a MINIMUM Parole Eligibility of
10 SIXTEEN (16) MONTHS, Count 14 ordered CONCURRENT to Count 13; Count
11 15 – a MAXIMUM of SEVENTY TWO (72) MONTHS with a MINIMUM Parole
12 Eligibility of SIXTEEN (16) MONTHS, Count 15 ordered CONCURRENT to
13 Count 14; Count 16 – a MAXIMUM of SEVENTY TWO (72) MONTHS with a
14 MINIMUM Parole Eligibility of SIXTEEN (16) MONTHS, Count 16 ordered
15 CONCURRENT to Count 15; and Count 17 – a MAXIMUM of NINETY SIX (96)
16 MONTHS with a MINIMUM Parole Eligibility of TWENTY TWO (22)
17 MONTHS, Count 17 ordered CONCURRENT to Count 16. Appellant was given
18 seven hundred thirty-one (731) days credit for time served. Counts 1 through 8 –
19 Attempt Murder With Use of Deadly Weapon (to wit: a Cadillac), were dismissed
20 with prejudice.

1 **b. Has the sentence been stayed pending appeal? No.**

2 **c. Was defendant admitted to bail pending appeal? No.**

3 **3. Was counsel in the district court appointed ☒ or retained ☐?**

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

5 Kristina Wildeveld, Esq.
6 Nevada Bar No. 005825
7 The Law Offices of Kristina Wildeveld
8 615 S. 6th St.
9 Las Vegas, NV 89101
10 Phone (702) 222-0007

11 **5. Is appellate counsel appointed ☒ or retained ☐ ?**

12 **If this is a joint statement by multiple defendants, add the names and**
13 **addresses of other counsel on an additional sheet accompanied by a**
14 **certification that they concur in the filing of this statement. N/A.**

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

16 STEVEN B. WOLFSON, ESQ.
17 Clark County District Attorney
18 Nevada Bar No. 001565
19 STEVEN S. OWENS, ESQ.
20 Chief Deputy District Attorney
Nevada Bar No. 004352
200 Lewis Avenue, Third Floor
Las Vegas, NV 89155

CATHERINE CORTEZ-MASTO, ESQ.
Nevada Attorney General
Nevada Bar No. 003926
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101

1 **7. Nature of disposition below:**

- 2 ☐ Judgment after bench trial ☐ Grant of pretrial habeas
3 ☒ Judgment after jury verdict ☐ Grant of motion to suppress
4 ☐ Judgment upon guilty plea ☐ Post-conviction habeas
5 ☐ Grant of pretrial motion to dismiss ☐ grant ☐ denial
6 ☐ Parole/Probation revocation ☐ Other disposition (specify)
7 ☐ Motion for new trial
8 ☐ grant ☐ denial
9 ☐ Motion to withdraw guilty plea
10 ☐ grant ☐ denial

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

- 9 ☐ death sentence ☐ juvenile offender
10 ☐ life sentence ☒ pretrial proceedings

11 **9. Expedited appeals:** The court may decide to expedite the appellate process
12 in this matter. Are you in favor of proceeding in such manner?
13 Yes ☐ No ☒

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

18 N/A.

19 **11. Pending and prior proceedings in other courts.** List the name, number
20 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 v. Wilburt Hickman, District Court No. C-12-278699-1.

1 **12. Nature of action.** Briefly describe the nature of the action and the result
2 below:

3 This is an appeal from a judgment of conviction following a jury trial.
4 Wilburt Hickman (hereinafter “Hickman” or “Appellant”) was charged by way of
5 Information with: eight (8) counts of Attempt Murder with Use of a Deadly
6 Weapon (Felony) (Counts 1-8), one (1) count of Battery with Use of Deadly
7 Weapon (Felony) (Count 9), one (1) count of Battery with Use of a Deadly
8 Weapon Resulting in Substantial Bodily Harm (Felony) (Count 10), six (6) counts
9 of Assault with a Deadly Weapon (Felony) (Counts 11-16), one (1) count of
10 Burglary (Felony) (Count 17), and one (1) count of Malicious Destruction of
11 Property (Felony) (Count 18). Hickman was charged for the injuries to the church
12 attendees and the church property arising out of the incident with his Cadillac.

13 Hickman was convicted and sentenced as outlined above, despite evidence
14 that he had been forcibly removed by church security officers who broke his arm.
15 It is worth noting that the jury hung on the first eight (8) counts charged, Attempt
16 Murder with Use of a Deadly Weapon, and those counts were later dismissed with
17 prejudice. Hickman’s daughter was inside the church, which was the reason for
18 Hickman’s presence at the church on December 18, 2011, and refused to speak
19 with her father due to an argument they were having. When Hickman entered his
20 car to drive away, the incident occurred in which the vehicle he was driving made
contact with the church and a number of people complained of injuries as a result

1 of the commotion. Hickman appeals this conviction on the grounds that no words
2 or actions attributable to him support his convictions.

3 **13. Issues on appeal.** State concisely the principal issue(s) in this appeal:

4 To be determined upon a more thorough review of the district court file and
5 trial transcripts. Primarily, however, Appellant intends to challenge the district
6 court's rulings affecting his ability to present jury instructions in support of his
7 theory of defense.

8 **14. Constitutional Issues.** If the State is not a party and if this appeal challenges
9 the constitutionality of a statute or municipal ordinance, have you notified the
10 clerk of this court and the attorney general in accordance with NRAP 44 and
11 NRS 30.130?

12 N/A ☒ Yes ☐ No ☐

13 If not, explain:

14 **15. Issues of first-impression or of public interest.** Does this appeal present a
15 substantial legal issue of first-impression in this jurisdiction or one affecting
16 an important public interest?

17 First-Impression: Yes ☐ No ☒

18 Public Interest: Yes ☐ No ☒

19 Appellant specifically reserves the right to raise any matters of first-
20 impression or public interest in his Opening Brief in the event that they arise upon
a more thorough review of the trial transcripts in this matter.

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?

Five (5) days

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

2 Yes ☐ No ☒

3 **TIMELINESS OF NOTICE OF APPEAL**

4 **18.** Date of district court announced decision, sentence or order appealed from:
January 2, 2014.

5 **19.** Date of entry of written judgment or order appeal from: January 2, 2014.

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

8 **20.** If this appeal is from an order granting or denying a petition for writ of
habeas corpus, indicate the date written notice of entry of judgment or order
9 was served by the district court: N/A.

10 **a.** Was service by delivery ☐ or by mail ☐.

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

12 **a.** Specify the type of motion, and the date of filing of the motion: N/A.

13 Arrest judgment ☐

Date filed _____

14 New Trial ☐

Date filed _____

(newly discovered evidence)

15 New Trial ☐

Date filed _____

(other grounds)

16 **b.** Date of entry of written order resolving motion _____

17 **22.** Date notice of appeal filed: January 6, 2014.

18 **23.** Specify statute or rule governing the time limit for filing the notice of
19 appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or
20 other: NRS 177.015(1), and NRAP 4(b).

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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) _____
 NRS 177.055 ☐

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

Respectfully Submitted by:

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STEVEN B. WOLFSON, ESQ.
Clark County District Attorney
STEVEN S. OWENS, ESQ.
Chief Deputy District Attorney

/s/: Caitlyn L. McAmis
An Employee of The Law Offices of
Kristina Wildeveld