

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Donte Johnson  
Appellant

vs.

THE STATE OF NEVADA  
Respondent

No. 65168

DOCKETING STATEMENT  
CRIMINAL APPEALS

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

Electronically Filed  
Mar 11 2014 04:23 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

GENERAL INFORMATION

1. Judicial District Eighth County Clark  
Judge Elissa Cadish District Ct Case No. C153154

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

(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) Donte Johnson

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 Steve Wolfson 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):  
None that Counsel is aware

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):  
None that counsel is aware.

12. **Nature of action.** Briefly describe the nature of the action and the result below:  
On February 13, 2014, the Honorable Judge Elissa Cadish, denied Mr. Johnson's Petition for Writ of Habeas Corpus. The Order has not been entered.

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

Mr. Johnson reserves the right to address issues as they may arise.

**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 02/13/2014

19. Date of entry of written judgment or order appeal from not entered as of this date.

(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 03/06/2014

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.

Donte Johnson


Name of appellant

Christopher R. Oram Esq.

Name of counsel of record

March 11, 2014

Date



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 the 11 day of March, 2014. 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 Vargas

An Employee of Christopher R. Oram, Esq.

**REGISTER OF ACTIONS**  
**CASE NO. 98C153154**

**The State of Nevada vs Donte Johnson**

§  
§  
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§

Case Type: **Felony/Gross  
Misdemeanor**  
Date Filed: **09/02/1998**  
Location: **Department 6**  
Cross-Reference Case Number: **C153154**  
Defendant's Scope ID #: **1586283**  
Lower Court Case Number: **97GJ00184**  
Supreme Court No.: **65168**

**PARTY INFORMATION**

**Defendant Johnson, Donte Also Known  
As Johnson , Donte**

**Lead Attorneys**  
**Christopher R. Oram**  
*Retained*  
7023845563(W)

**Plaintiff State of Nevada**

**Steven B Wolfson**  
702-671-2700(W)

**CHARGE INFORMATION**

<b>Charges: Johnson, Donte</b>	<b>Statute</b>	<b>Level</b>	<b>Date</b>
1. BURGLARY, WITH A DEADLY WEAPON	205.060*165	Felony	01/01/1900
2. CONSPIRE TO AID AND ABET A ROBBERY	C200.380	Felony	01/01/1900
2. CONSPIRACY TO COMMIT KIDNAPPING IN FIRST DEGREE	C200.320	Felony	01/01/1900
2. CONSPIRACY TO COMMIT MURDER	C200.010	Felony	01/01/1900
3. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
4. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
5. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
6. ROBBERY WITH A DEADLY WEAPON	200.380*165	Felony	01/01/1900
7. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON	200.320*165	Felony	01/01/1900
8. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON	200.320*165	Felony	01/01/1900
9. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON	200.320*165	Felony	01/01/1900
10. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON	200.320*165	Felony	01/01/1900
11. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900
12. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900
13. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900
14. MURDER WITH A DEADLY WEAPON	200.010*165	Felony	01/01/1900

**EVENTS & ORDERS OF THE COURT**

06/06/2005 **Sentencing (9:00 AM) ()**

**SENTENCING** Court Clerk: Sharon Coffman Reporter/Recorder: Sonia Riley Heard By: Leo Gates

**Minutes**

06/06/2005 9:00 AM

- Conference in chambers. Pursuant to Jury's verdict, COURT ORDERED, Defendant sentenced as follow s: As to COUNT XI - MURDER OF THE FIRST DEGREE (F) Defendant is SENTENCED to DEATH; As to COUNT XII - MURDER OF THE FIRST DEGREE (F), Defendant is SENTENCED to DEATH; As to COUNT XIII -

MURDER OF THE FIRST DEGREE (F), Defendant is SENTENCED to DEATH; As to COUNT XIV - MURDER OF THE FIRST DEGREE (F), Defendant is SENTENCED to DEATH. Judgement of Conviction signed and FILED IN OPEN COURT. Warrant of Execution signed and FILED IN OPEN COURT. Order of Execution signed and FILED IN OPEN COURT. Order to Stay Execution signed in FILED IN OPEN COURT. COURT ORDERED, Clerk to enter the Judgment in the Minutes of the Court. Having sentenced Defendant to death, COURT ORDERED, Director of the Nevada Department of Corrections to execute the Defendant during the week of August 31, 2005. COURT FURTHER ORDERED, Defendant to be turned over to the Nevada Department of Corrections for execution of the sentence; Defendant to be transported forthwith. NDC

Parties Present

Return to Register of Actions