

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Michael J. Schofield,
Appellant,

vs.

State of Nevada,
Respondent.

No. 65193

Electronically Filed
Sep 24 2014 04:30 p.m.

**DOCKETING STATEMENT
CRIMINAL APPEALS**
Tammie K. Lindeman
Clerk of Supreme Court

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

GENERAL INFORMATION

1. Judicial District Eighth County Clark

Judge Cadish District Ct. Case No. C-13-287009-1

2. If the defendant was given a sentence,

(a) what is the sentence?

Minimum of five years, maximum of fifteen years for Count IV (First Degree
Kidnapping), concurrent with
Minimum of thirteen months and maximum of sixty months for Count III (Child Abuse,
Neglect, or Endangerment)

(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 filling this docketing statement:**

Attorney Karen K. Wong Telephone (702) 830-6080

Firm Wong Appellate Law

Address: 9484 S. Eastern Ave., #408
Las Vegas, NV 89123

Client(s) Michael J. Schofield

Docket 65193 Document 2014-31835

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.

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

Attorney Steven B. Wolfson Telephone (702) 671-2500

Firm Office of the District Attorney

Address: 200 Lewis Avenue
Las Vegas, NV 89101

Client(s) State of Nevada

Attorney _____ Telephone _____

Firm _____

Address: _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below:

- ☐ Judgment after bench trial
- ☒ Judgment after jury verdict
- ☐ Judgment upon guilty plea
- ☐ Grant of pretrial motion to dismiss
- ☐ Parole/probation revocation
- ☒ Motion for new trial
 - ☐ grant ☒ denial
- ☐ Motion to withdraw guilty plea
 - ☐ grant ☐ denial

- ☐ Grant of pretrial habeas
- ☐ Grant of motion to suppress evidence
- ☐ Post-conviction habeas (NRS ch. 34)
 - ☐ grant ☐ denial
- ☐ Other disposition (specify):

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

☐ death sentence

☐ juvenile offender

☐ life sentence

☐ 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

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

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

Michael J. Schofield was convicted of first-degree kidnapping and child abuse, neglect, or endangerment, after a dispute with his teenage son over going to a store resulted in defendant placing his son in a headlock and walking toward the car. The defendant's parents were the legal guardians of his son.

13. Issues on appeal. State specifically all issues in this appeal (attach separate sheets as necessary):

1) Defendant received ineffective assistance of counsel and was forced to proceed pro per in the middle of trial.

2) The State failed to prove an element of the crime of first-degree kidnapping--namely the intent to keep his son from his son's guardians (defendant's mother and stepfather).

3) Defendant's motion for new trial based on newly discovered medical evidence was improperly denied.

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?

6 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 Jul 21, 2014

19. Date of entry of written judgment or order appealed from Jul 28, 2014

(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 (newly
discovered evidence) _____ Date filed _____

New trial (other grounds) _____ Date filed _____

(b) Date of entry of written order resolving motion _____

22. Date notice of appeal filed Mar 6, 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

NRAP 4(b)(1)(A); NRAP 4(b)(2) (original notice of appeal was filed prior to the judgment)

SUBSTANTIVE APPEALABILITY

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

NRS 177.015(1)(b) X NRS 34.560

NRS 177.015(1)(c) NRS 34.575(1)

NRS 177.015(2)

NRS 34.560(2)

NRS 177.015(3) X Other (specify)

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.

Michael J. Schofield

Name of appellant

Karen K. Wong

Name of counsel of record

Sep 24, 2014

Date

/s/ Karen K. Wong

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 24th day of 20 14 , I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Steven B. Wolfson, Office of the District Attorney, 200 Lewis Avenue, Las Vegas, NV 89101
Michael J. Schofield, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070

Dated this 24th day of September, 2014.

/s/ Karen K. Wong

Signature