

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

IN THE MATTER OF PRESTON S.,
A CHILD,

PRESTON SANDERSON,
Appellant,
vs.
THE STATE OF NEVADA,

No. 66410

DOCKETING STATEMENT
CRIMINAL APPEALS

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

Electronically Filed
Sep 05 2014 12:47 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

GENERAL INFORMATION

1. Judicial District Second County Washoe

Judge Hon. Egan Walker District Ct. Case No. JV14-00030

2. If the defendant was given a sentence,

(a) what is the sentence?

Juvenile Probation

(b) has the sentence been stayed pending appeal?

No

(c) was defendant admitted to bail pending appeal?

N/A

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

4. Attorney filling this docketing statement:

Attorney John Reese Petty Telephone (775) 337-4827

Firm Washoe County Public Defender's Office

Address: 350 South Center Street, Fifth Floor, P.O. Box 11130, Reno, Nevada 89520-0027

Client(s) Preston Sanderson

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 Shelly Scott Telephone (775) 328-3403

Firm Washoe County District Attorney's Office

Address: One South Sierra Street, Seventh Floor, P.O. Box 30083, Reno, Nevada 89520

Client(s) The 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):

Order after Hearing on Objection

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):

N/A

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):

N/A

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

Preston admitted to one count of malicious destruction of property. He was placed on probation. Additionally, following a restitution hearing a court master recommended that he pay restitution in the amount of \$2731.49. Preston filed a timely objection to the master's restitution recommendation and, pursuant to NRS 62B.030(4)(c), requested a de novo hearing before the juvenile court. Judge Walker denied Preston's request for a de novo hearing and affirmed the master's recommendations.

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

NRS 62B.030(4)(c) provides that the juvenile court "shall ... [d]irect a hearing de novo before the juvenile court if" a timely "request for a hearing de novo before the juvenile court" is made. Did Judge Walker violate this statute when he denied Preston's timely request for a de novo hearing?

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?

0 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 July 17, 2014

19. Date of entry of written judgment or order appealed from July 31, 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 August 27, 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(a)

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 34.560(2) _____
NRS 177.015(3) _____ Other (specify) NRS 62D.500 _____
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.

Preston Sanderson

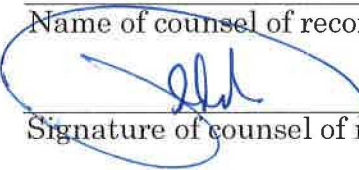
Name of appellant

September 5, 2014

Date

John Reese Petty

Name of counsel of record



Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 9/5 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):

Shelly Scott, Deputy District Attorney
Washoe County District Attorney's Office
P.O. Box 30083, Reno, Nevada 89520

Dated this 5th day of September, 20 14



Signature