



IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Mar 06 2015 09:09 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

INDICATE FULL CAPTION:

JOSHUA CALEB SHUE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 67428

DOCKETING STATEMENT

CRIMINAL APPEALS

(Including pretrial and post-conviction
habeas corpus and petitions for post-
conviction relief)

GENERAL INFORMATION

1. Judicial District Eighth County Clark
Judge Valerie Adair District Ct. Docket No. C288172

2. If the defendant was given a sentence,
(a) what is the sentence? Ct. 1 - Child Abuse & Neglect, Cts. 2, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38 - Use of Child In Production; Cts. 5, 8, 11, 14, 17, 20, 23, 26, 40 and 41 - Possession of Visual Presentation Depicting Sexual Conduct of a Child; Ct. 39 - Open or Gross Lewdness and sentenced to \$25 Admin. fee; \$150 DNA analysis fee; genetic testing; \$3,540.39 fine (Ct. 1) and \$28,000 fine (\$1,000 each as to Cts. 2, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, 22, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38); Ct. 1 - 24-72 months in prison; Ct. 2 - 5 years to Life served consecutive to Ct. 1 - Ct. 3 - 5 years to Life Concurrent with Ct. 2 - Ct. 4 - 10 years to Life concurrent with Ct. 3 - Ct. 5 - 12-36 months in prison concurrent with Ct. 4; Ct. 6 - 5 years to Life in prison concurrent with Ct. 3; Ct. 7 - 10 years to Life concurrent with Ct. 6; Ct. 8 - 12-36 months in prison concurrently; Ct. 9 - 5 years to Life in prison, concurrently; Ct. 10 - 10 years to Life in prison, concurrently; Ct. 11 - 12-36 months in prison, concurrently; Ct. 12 - 5 years to Life in prison concurrently; Ct. 12 - 5 years to Life in prison, concurrently; Ct. 13 - 10 years to Life in prison, concurrently; Ct. 14 - 12-72 months in prison, concurrently; Ct. 15 - 5 years to Life in prison concurrently; Ct. 16 - 10 years to Life concurrently; Ct. 17 - 12-72 months concurrently; Ct. 18 - 5 years to Life in prison, concurrently; Ct. 19 - 10 years to Life in prison, concurrently; Ct. 20 - 12-72 months in prison concurrent; Ct. 21 - 5 years to Life in prison, concurrently; Ct. 22 - 10 years to Life in prison, concurrently; Ct. 23 - 12-72 months in prison; Ct. 24 - 5 years to Life in prison, concurrently; Ct. 25 - 10 years to Life in prison, concurrently; Ct. 26 - 23-72 months in prison, concurrently; Ct. 27 - 5 years to Life in prison, concurrently; Ct. 28 - 5 years to Life in prison, concurrently; Ct. 29 - 5 years to Life in prison, concurrently; Ct. 30 - 5 years to Life in prison, concurrently; Ct. 31 - 5 years to Life in prison, concurrently; Cts. 32, 33, 34, 35, 36, 37, 38 - 5 years to Life in prison, concurrently; Ct. 39 - 364 days in CCDC, concurrently; Ct. 40 - 12-72 months in prison, concurrently; Ct. 41 - 12-72 months in prison concurrently - 141 days CTS.

(b) has the sentence been stayed pending appeal? No.

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

3. Was trial or post conviction counsel appointed XX or retained _____?

4. Attorney filing this docketing statement:

Attorney WILLIAM M. WATERS, #9456 Telephone 455-4576
Firm Clark County Public Defender's Office
Address 309 S. Third St., #226
Las Vegas, Nevada 89155
Client(s) JOSHUA CALEB SHUE

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.

5. Is appellate counsel appointed XX or retained _____?

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

Attorney STEVEN B. WOLFSON Telephone 455-4741
Firm Clark County District Attorney's Office
Address 200 S. Third St.
Las Vegas, Nevada 89155
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:

- | | |
|-----------------------------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Grant of pretrial habeas |
| <input checked="" type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant of motion to suppress evidence |
| <input type="checkbox"/> Judgment upon guilt plea | <input type="checkbox"/> Post-conviction relief (NRS ch. 177) |
| <input type="checkbox"/> Grant of pretrial motion to dismiss | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> Parole/Probation revocation | <input type="checkbox"/> Post-conviction habeas (NRS ch. 34) |
| <input type="checkbox"/> Motion for new trial | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | <input type="checkbox"/> Other disposition (specify) _____ |
| <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:

- | | |
|---------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> death sentence | <input type="checkbox"/> juvenile offender |
| <input checked="" type="checkbox"/> life sentence | <input type="checkbox"/> 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 XX

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 which 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: Appellate counsel did not serve as trial counsel; has not completed a thorough review of the lower court proceedings; and is therefore unable to concisely state the nature of the action at the present time.
13. Issues on appeal. State specifically all issue(s) in this appeal: Appellate counsel did not serve as trial counsel; has not completed a thorough review of the lower court proceedings; and is therefore unable to concisely state the principal issues on appeal at the present time.
14. Constitutional issues. If this appeal challenges the constitutionality of a statute, 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 _____ Unknown at this time.
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 _____ Unknown at this time.
Public interest: Yes _____ No _____ Unknown at this time.
16. Length of trial. If this action proceeded to trial in the district court, how many days did the trial last?
6 days.
17. Oral argument. Would you object to submission of this appeal for disposition without oral argument?
Yes XX No _____

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from 01/15/15
19. Date of entry of written judgment or order appealed from 01/21/15
(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review: N/A.
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 N/A

(a) Was service by delivery or by mail _____ (specify).

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 02/12/15

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g.,
NRAP 4(b), NRS 34.710, NRS 34.815, NRS 177.015(2), or other NRAP 4(b)

SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority which grants this court jurisdiction to review the judgment or order appealed from:

NRS 177.015(1)(b) _____	NRS 34.710(3) _____
NRS 177.015(2) _____	NRS 34.710(4) _____
NRS 177.055 _____	NRS 34.815 _____
NRS 177.385 _____	NRS 177.015(3) <u>XX</u>

VERIFICATION

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

JOSHUA CALEB SHUE
Name of appellant

WILLIAM M. WATERS, #9456
Name of counsel or record

03/05/15
Date

/s/ William M. Waters
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 5th day of March, 2015, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ by personally serving it upon him/her District Attorney Appellate; or
- ☒ by mailing it by first class mail with sufficient postage prepaid to the following address(es):

STEVEN B. WOLFSON
Clark County District Attorney
Attn: Appellate Division
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155

Dated this 5th day of March, 2015.

/s/ Carrie M. Connolly
Signature