

IN THE SUPREME COURT OF THE STATE OF NEVADA

Michael Joseph Jeffries,
Appellant,
vs.
The State of Nevada,
Respondent.

Electronically Filed
No. 66838 07/22/2015 08:54 a.m.
Tracie K. Lindeman
Clerk of Supreme Court
DOCKETING STATEMENT
CRIMINAL APPEAL

1. General information

Judicial District: Eighth

County: Clark

Judge: J. Charles Thompson

District Court Case No. C255491-2

2. Sentencing

(a) Sentence imposed

Defendant/Appellant Jeffries was adjudged guilty of Second Degree Murder With Use of A Deadly Weapon and sentenced to life imprisonment with parole eligibility after a minimum of ten (10) years of imprisonment have been served, plus a consecutive term of seventy-two (72) months imprisonment with parole eligibility after twelve (12) months

of imprisonment have been served for the Use Of A Deadly Weapon; with four hundred (424) days credit for time served, the total aggregate sentence of imprisonment being life with a minimum of one hundred thirty-two (132) months; restitution in the amount of Four Thousand Six Hundred Fifty-One Dollars and Eighty-One Cents (\$4,651.81); a One Hundred Fifty Dollar (\$150.00) DNA Analysis Fee, a Three (\$3.00) DNA Collection Fee; and Twenty-Five (\$25.00) Administrative Assessment Fee.

(b) Stay pending appeal

The sentence in this case has not been stayed pending appeal.

(c) Bail pending appeal

Defendant/Appellant Jeffries was not admitted to bail pending appeal.

3. District court counsel

Counsel in the district court was appointed.

4. Attorney filing this docketing statement

Attorney: Vincent Savarese III, Esq.

Telephone: (702) 880-0000

Firm: Gentile Cristalli Miller Armeni & Savarese

Address: 410 South Rampart Blvd., Suite 420, Las Vegas, Nevada 89145

Client: Michael Joseph Jeffries

5. Appellate counsel

Appellate counsel is retained.

6. Attorneys representing Respondent

Attorneys: Steven B. Wolfson, District Attorney; Bernard Zadrowski, Chief Deputy District Attorney

Telephone (702) 671-2500

Firm: Clark County District Attorney's Office

Address: Regional Justice Center, 200 Lewis Avenue, 3rd Floor, Las Vegas, Nevada 89155

Client: State of Nevada

7. Nature of disposition below

Judgment after jury verdict

8. Life Sentence implicated

This appeal involves the imposition of a sentence of life imprisonment.

9. Expedition of appeal

Defendant/Appellant Jeffries is not in favor of expediting the appellate process in this matter.

10. Pending and prior proceedings in this Court

There are no other appeals or original proceedings presently or previously pending before this Court which are related to this appeal.

11. Pending and prior proceedings in other courts

There are no other proceedings presently or previously pending before other courts which are related to this appeal.

12. Nature of action

This is a criminal case in which Defendant/Appellant Jeffries was charged by Information with the offense of Murder With Use of A Deadly Weapon (Open Murder) (Category A Felony pursuant to NRS 200.010, 200.030, 193.165), which was alleged therein to have been committed on or about October 23, 2011, at and within Clark County, Nevada. Defendant/Appellant Jeffries entered a plea of not guilty with respect to the charge set forth in the Information. Following a jury trial conducted from March 23, 2015 through March 26, 2015, a verdict was returned finding Defendant/Appellant Jeffries guilty of Second Degree Murder With Use of A Deadly Weapon (Category A Felony). On May 27, 2015 Defendant/Appellant Jeffries was adjudged guilty of Second Degree Murder With Use of A Deadly Weapon and sentenced to, *inter alia*, life imprisonment with parole eligibility after a minimum of ten (10) years of imprisonment

have been served, plus a consecutive term of seventy-two (72) months imprisonment with parole eligibility after twelve (12) months of imprisonment have been served for the Use Of A Deadly Weapon; with four hundred (424) days credit for time served, the total aggregate sentence of imprisonment being life with a minimum of one hundred thirty-two (132) months. Judgment of Conviction was filed in the district court on June 2, 2015. Defendant/Appellant Jeffries has appealed from the Judgment of Conviction and all rulings, decisions and orders of the district court ancillary thereto; and from the sentence imposed by the district court with respect thereto.

13. Issues on Appeal

Appellate counsel for Defendant/Appellant Jeffries was not trial counsel for Jeffries in the district court. Nor has appellate counsel had an opportunity as yet to review the transcript of trial proceedings in the district court. And therefore, appellate counsel for Defendant/Appellant Jeffries is not yet familiar enough with the record to make a definitive or complete statement of the issues that will presented on appeal. However, appellate counsel can state at this time with certainty that the following issues, among others, will be presented for review on appeal in this case:

1. Whether the district court erred in making certain critical evidentiary rulings during the course of trial?

2. Whether the district court erred in denying Defendant/Appellant Jeffries' motion for mistrial based upon prosecutorial misconduct in closing argument to the jury and at other stages of the trial process?
3. Whether the district court erred in denying Defendant/Appellant Jeffries' motion for new trial based upon juror misconduct in accessing extrinsic information during deliberations in violation of the instructions of the trial court and sharing that extrinsic information with the entire petit jury panel?

14. Constitutionality issues

This appeal does not involve a challenge to the constitutionality of a statute or ordinance.

15. Issues of first impression or public interest

This appeal does present a substantial legal issue of first impression in this jurisdiction as well as issues affecting important public interests.

16. Length of trial

Trial in the district court lasted four (4) days in this case.

17. Oral argument

Defendant/Appellant Jeffries would object to submission of this appeal for disposition without oral argument.

TIMELINESS OF NOTICE OF APPEAL

18. District court pronouncement of judgment and sentence appealed from

The district court orally pronounced the judgment and sentence appealed from in this case on May 27, 2015.

19. Entry of written judgment appealed from

The district court entered written judgment of conviction in this case on June 2, 2015.

20. Habeas corpus

This appeal is not from an order granting or denying a petition for a writ of habeas corpus.

21. Tolling of notice of appeal

The time for filing the notice of appeal was not tolled by a post judgment motion in this case.

22. Notice of appeal filed

Notice of appeal was filed in this case on July 1, 2014.

23. Notice of appeal time limit

The time limit for filing the notice of appeal in this case is governed by NRAP 4(b)(1)(A).

SUBSTANTIVE APPEALABILITY

24. Appellate jurisdiction

NRS 177.015(1)(b) grants this Court jurisdiction to review the denial of the Defendant's Motion for New Trial. NRS 177.015(3) grants this Court jurisdiction to review the final judgment of conviction in a criminal case.

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 Joseph Jeffries
Name of appellant

7/21/2015
Date

Vincent Savarese III
Name of counsel of record


Signature of counsel of record

CERTIFICATE OF MAILING

I certify that on the 21st day of July, 2015, I served a copy of this completed docketing statement upon all counsel of record:

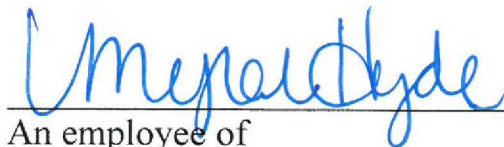
_____ by personal serving it upon him/her;

__X__ by electronic service in accordance with the Nevada Supreme Court e-filing system; or

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

STEVEN B. WOLFSON
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