

1
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3 WILLIE MASON,

4 Appellant,

5 vs.

6 THE STATE OF NEVADA,

7 Respondent.
8
9

No.: 68497

DC No.: C267882

Electronically Filed
Sep 17 2015 12:48 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

10 **MOTION FOR LEAVE TO FILE DOCKETING STATEMENT**

11 COMES NOW Appellant WILLIE MASON, by and through his
12 undersigned attorney and, pursuant to Nev. R. App. P. 27(a)(1), and hereby
13 moves this honorable Court for leave to file a docketing statement. This
14 motion is based on the following memorandum and all papers and pleadings
15 on file herein.
16
17

18 DATED this 17th day of September, 2015.
19

20 Respectfully submitted by:

21 /s/ Matthew J. Rashbrook

22 ROBERT L. LANGFORD, Esq.

23 Nevada Bar No. 3988

24 MATTHEW J. RASHBROOK

25 Nevada Bar No. 12477

26 ROBERT L. LANGFORD & ASSOCIATES

27 616 S. 8th Street

28 Las Vegas, NV 89101

ATTORNEYS FOR APPELLANT MASON

1 **MEMORANDUM**

2 The undersigned has been diligently attending to legal and factual
3 research, including review of all trial transcripts, necessary to advocate for the
4 Appellant in this matter, and to that end does not presently anticipate seeking
5 any extension of time within which to file the Opening Brief in this matter.
6
7

8 However, due to oversight in calendaring the deadline within which to
9 file the docketing statement, counsel failed to meet that deadline. As a result,
10 the undersigned hereby requests leave of this court to file the proposed
11 docketing statement attached hereto. (Exhibit A.)
12

13 DATED this 17th day of September, 2015.
14

15 Respectfully submitted by:

16 /s/ Matthew J. Rashbrook
17 ROBERT L. LANGFORD, Esq.
18 Nevada Bar No. 3988
19 MATTHWE J. RASHBROOK
20 Nevada Bar No. 12477
21 ROBERT L. LANGFORD & ASSOCIATES
22 616 S. 8th Street
23 Las Vegas, NV 89101
24 ATTORNEYS FOR APPELLANT MASON
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CERTIFICATE OF MAILING

I hereby certify and affirm that Appellant's Motion for Leave to File Docketing Statement was filed electronically with the Nevada Supreme Court on the 17th day of September, 2015. I further certify and affirm that a copy of the foregoing was mailed by first class mail, postage prepaid, to:

Steven Owens
Clark County District Attorney
200 Lewis Ave.
Las Vegas, NV 89101
Attorney for Respondent
STATE OF NEVADA

/s/ Christine Berman
Employee, Robert L. Langford & Associates

Exhibit A

Exhibit A

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Willie Mason,
Appellant,

vs.

The State of Nevada,
Respondent.

No. 68497

**DOCKETING STATEMENT
CRIMINAL APPEALS**

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

GENERAL INFORMATION

1. Judicial District Eighth County Clark

Judge Charles Johnson District Ct. Case No. C-10-267882-1

2. If the defendant was given a sentence,

(a) what is the sentence?

Please see attached.

(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 Robert L. Langford, Esq. Telephone 702-471-6565

Firm Robert L. Langford & Associates

Address: 616 S. 8th St.

Las Vegas, NV 89101

Client(s) Willie Mason

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 Owens Telephone 702-671-2755

Firm Clark County District Attorney

Address: 200 Lewis Ave.
Las Vegas, NV 89101

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 guilty plea | <input type="checkbox"/> Post-conviction habeas (NRS ch. 34) |
| <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"/> 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

☐ 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):

Burns v. State, case no. 64809

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):

State v. Martinez, Eighth Judicial District Court, case no. C-10-267196-1

State v. Cousins, Eighth Judicial District Court, case no. C-10-267882-3

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

Appellant was charged by way of indictment with conspiracy to commit robbery, conspiracy to commit murder, burglary while in possession of a deadly weapon, robbery with a deadly weapon, murder with a deadly weapon, attempt murder with a deadly weapon, and battery with a deadly weapon with substantial bodily harm.

Appellant was tried by a jury, found guilty on all counts, and sentenced as noted above.

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

Whether the District Court erred in denying Appellant's pre-trial motion to sever.

Whether the District Court erred in denying Appellant's in-trial motion to sever.

Whether the District Court erred in admitting certain hearsay testimony of an alleged co-conspirator.

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?

16 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 6/23/2015

19. Date of entry of written judgment or order appealed from 6/26/2015

(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 7/23/2015

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)

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) _____ 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.

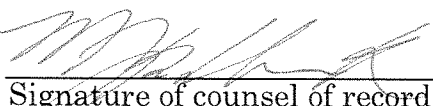
Willie Mason

Name of appellant

September 15, 2015

Date

Robert L. Langford, Esq.

Name of counsel of record
 #12477
For RLL

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 9/15 day of 20 15 , 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):

Clark County District Attorney
Attn: Steve Owens
200 Lewis Ave, Las Vegas, NV 89101

Dated this 15 day of September , 2015 .



Signature