

FILED



In the Supreme Court of the State of Nevada

MAY 11 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

INDICATE FULL CAPTION:

RAUL GARCIA,

Appellant(s),

vs.

THE STATE OF NEVADA,

Respondent(s).

No. 378166

DOCKETING STATEMENT  
CRIMINAL APPEALS

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

GENERAL INFORMATION

1. Judicial District SECOND County WASHOE  
Judge HONORABLE JEROME M. POLAHA District Ct. Docket No. CR00-1849
2. If the defendant was given a sentence,
  - (a) what is the sentence? LIFE IMPRISONMENT WITH THE POSSIBILITY OF PAROLE AFTER TWENTY YEARS FOR COUNT I AND LIFE IMPRISONMENT WITH THE POSSIBILITY OF PAROLE AFTER TEN (10) YEARS FOR COUNT II, CONSECUTIVE TO COUNT I AND LIFE IMPRISONMENT WITH THE POSSIBILITY OF PAROLE AFTER TEN (10) YEARS FOR COUNT III,
  - (b) has the sentence been stayed pending appeal? NO CONSECUTIVE TO COUNTS I&II
  - (c) was defendant admitted to bail pending appeal? NO

3. Was trial or post-conviction counsel appointed X or retained.....?

4. Attorney filing this docketing statement:

Attorney CHERYL BOND Telephone (775) 328-3840  
Firm WASHOE COUNTY PUBLIC DEFENDER  
Address P.O. BOX 30083  
RENO, NV 89520  
Client(s) RAUL GARCIA

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. Attorney(s) representing respondent(s):

Attorney GARY HATLESTAD Telephone (775) 328-3222  
Firm WASHOE COUNTY DISTRICT ATTORNEY  
Address P.O. BOX 30083  
RENO, NV 89520  
Client(s) THE STATE OF NEVADA

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_  
Client(s) \_\_\_\_\_

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(List additional counsel on separate sheet if necessary)

01-07934

6. 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 relief (NRS ch. 177)
  - ☐ grant    ☐ denial
- ☐ Post-conviction habeas (NRS ch. 34)
  - ☐ grant    ☐ denial
- ☐ Other disposition (specify).....

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

- ☐ death sentence
- ☒ life sentence
- ☐ juvenile offender
- ☐ pretrial proceedings

8. Expedited appeals: The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

Yes.....X.....No.....

9. 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

10. 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

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

MR. GARCIA WAS TRIED FOR, AND CONVICTED OF, ONE COUNTY OF SEXUAL ASSAULT ON A CHILD UNDER THE AGE OF FOURTEEN AND TWO COUNTS OF LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS. HE WAS SENTENCED TO THREE CONSECUTIVE LIFE TERMS WITH A MINIMUM TOTAL PAROLE ELIGIBILITY OF FORTY YEARS.

12. No Merit Appeal. If appellant was the defendant below, does counsel intend to file an affidavit of no merit appeal pursuant to Anders v. California, 386 U.S. 738 (1967) and Sanchez v. State, 85 Nev. 95, 450 P.2d 793 (1969)?

Yes.....No.....X.....

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

WHETHER THERE WAS SUFFICIENT COMPETENT EVIDENCE PRESENTED TO SUPPORT THESE CON  
VICTIONS BEYOND A REASONABLE DOUBT.

WHETHER REVERSIBLE ERROR OCCURRED AT TRIAL.

WHETHER ERROR OCCURRED AT SENTENCING.

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.....  
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 in the district court, how many days did the trial last?

2.....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..... MARCH 29, 2001

19. Date of entry of written judgment or order appeal from..... MARCH 29, 2001

(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. 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 APRIL 30, 2001

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 177.015(2).....

NRS 177.055.....

NRS 177.385.....

NRS 34.710(3).....

NRS 34.710(4).....

NRS 34.815

Other (specify) NRS 177.015(3)

### VERIFICATION

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

RAUL GARCIA

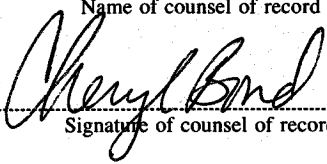
\_\_\_\_\_  
Name of appellant

MAY 9, 2001

\_\_\_\_\_  
Date

CHERYL BOND

\_\_\_\_\_  
Name of counsel of record

  
\_\_\_\_\_  
Signature of counsel of record

## CERTIFICATE OF SERVICE

I certify that on the 9TH day of MAY, 2001, 19....., I served a copy of this completed docketing statement upon all counsel of record:

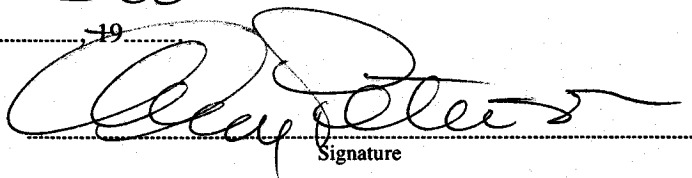
☐ by personally serving it upon him/her; or

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

THROUGH WASHOE COUNTY INTER-OFFICE MAIL:

GARY HATLESTAD  
CHIEF APPELLATE DEPUTY  
WASHOE COUNTY DISTRICT ATTORNEY

Dated this 9th day of May, 192001

  
Signature