

SUPREME COURT OF THE STATE OF NEVADA

BRANDON STARR,)	
)	
Appellant,)	
)	
v.)	
)	
STATE OF NEVADA,)	
)	
Respondent.)	
)	

Electronically Filed
Oct 18 2016 04:10 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No: **71401**

D.C. case no.: C-14-303022-2

Dept.: XIX

E-filed

DOCKETING STATEMENT - CRIMINAL APPEALS

1. Eighth Judicial District, County of Clark, Judge William D. Kephart, District Court Case number: C-14-303022-2.
2. If the Defendant was given a sentence,
 - (a.) what is the sentence?

Defendant received an aggregate sentence of ONE THOUSAND EIGHT HUNDRED TWENTY-FOUR (1,824) MONTHS MAXIMUM and MINIMUM

PAROLE ELIGIBILITY OF FOUR HUNDRED FORTY-FOUR (444) MONTHS.

(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? APPOINTED.

4. Attorney filing this docketing statement:

Attorney: Terrence M. Jackson Telephone: 702.386.0001

Firm: Law Office of Terrence M. Jackson

624 South Ninth Street

Las Vegas, Nevada 89101

Client: Brandon Starr

5. Is appellate counsel appointed or retained? APPOINTED.

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

Attorney: Steven B. Wolfson Telephone: 702.671.2500

Firm: Clark County District Attorney

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

Client: State of Nevada

Attorney: Steve Owens Telephone: 702.671.2500

Firm: Chief Deputy District Attorney - Appellate Division

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

7. Nature of disposition below: Judgment after Jury Verdict.
8. Does this appeal raise issues concerning any of the following:
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? No.
10. Pending and prior proceedings in this court:
 1. Def. #1 Tony Lee Hobson v. State of Nevada NSC case: 71419
 2. Def. #3 Donte Maquel Johns v. State of Nevada NSC case: 67492
 3. Def. #3 Donte Maquel Johns v. State of Nevada NSC case: 65168
 4. Def. #3 Donte Maquel Johns v. State of Nevada NSC case: 51306
 5. Def. #3 Donte Maquel Johns v. State of Nevada NSC case: 45456
 6. Def. #3 Donte Maquel Johns v. State of Nevada NSC case: 45059
 7. Def. #3 Donte Maquel Johns v. State of Nevada NSC case: 36991
 8. Def. #3 Donte Maquel Johns v. State of Nevada NSC case: 36461
 9. Def. #3 Donte Maquel Johns v. State of Nevada NSC case: 36093
11. Pending and prior proceedings in other courts: NONE
12. Nature of action. Briefly describe the nature of the action and the result below:

This is an appeal of a jury verdict of guilt in a criminal case.

13. Issues on Appeal. State specifically all issues in this appeal:

1. Whether there was sufficient evidence of guilt under *Jackson v. Virginia* to find Defendant guilty;

2. Whether the trial court erred in denying Defendant's Motion for Severance;

3. Whether the trial court erred in denying Defendant's Pretrial Writ of Habeas Corpus;

4. Whether the Defendant's Sentence at 1,824 months was excessive and disproportionate in violation of the Eighth Amendment.

5. Defendant reserves the right to supplemental the issues on Appeal after reviewing the record. (Counsel for Defendant was not trial counsel.)

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. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly

set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This is a direct Appeal from a judgment of conviction of multiple A or B level felonies. Pursuant to NRAP 17(b)(1), it is not presumptively assigned to the Court of Appeals. Considering the fact the Defendant received the equivalent of a life sentence for his multiple convictions, the Supreme Court should retain jurisdiction.

16. 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.

17. 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?

Thirteen (13) days.

18. Oral argument. Would you object to submission of this appeal for disposition

without oral argument? [X] Yes [] No.

19. Date district court announced decision, sentence or order appealed from:

September 8, 2016.

20. Date of entry of written judgment or order appealed from:

Judgment of conviction was entered on September 20, 2016.

21. 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: N/A

(a.) Was service by delivery [] or by mail [].

22. If the time for filing the notice of appeal was tolled by a post judgment motion:

N/A

23. Date notice of appeal filed: September 23, 2016.

24. Specify statute or rule governing the time limit for filing notice of appeal:

NRAP 4(b).

25. Specify statute, rule or other authority that grants this court jurisdiction to review from: NRS 177.015(3).

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VERIFICATION

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

Brandon Starr
Name of Appellant

Terrence M. Jackson, Esq.
Name of Counsel of Record

October 18, 2016
Date

//s// Terrence M. Jackson
Signature of counsel of record

...

CERTIFICATE OF SERVICE

I certify that on the 18th day of October, 2016, I served a copy of this completed docketing statement upon all counsel of record:

[X] Via Electronic Service (eFlex) to the Nevada Supreme Court;

[X] and by United States first class mail with postage affixed to the Nevada

Attorney General and to the Defendant as follows:

STEVEN B. WOLFSON

STEVEN S. OWENS

Clark County District Attorney

Chief Deputy D.A. - Criminal

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APPELLATE DIVISION

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Brandon Starr, ID# 1165964

ADAM P. LAXALT

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By: /s/ Ila C. Wills

Assistant to T. M. Jackson, Esq.