



IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Electronically Filed
Dec 06 2016 04:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

SAYEDBASHE SAYEDZADA,)
)
Appellant,)
vs.)
)
THE STATE OF NEVADA,)
)
Respondent.)

No. 71731

DOCKETING STATEMENT CRIMINAL APPEALS

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

GENERAL INFORMATION

- Judicial District Eighth County Clark
Judge William Kephart District Ct. No. C-15-310000-1
- If the defendant was given a sentence,
(a) what is the sentence? Cts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of Possession of Credit or Debit Card Without Cardholder's Consent (Category D Felony) and sentenced to \$25 Admin. Fee; \$150 DNA analysis fee; genetic testing; \$3 DNA collection fee. Ct. 1 - 19-48 months in prison; Ct. 2 - 19-48 months in prison, CONCURRENT with Ct. 1; Ct. 3 - 19-48 months in prison, CONCURRENT with Cts. 1 & 2; Ct. 4 - 19-48 months in prison, CONCURRENT with Cts. 1, 2, & 3; Ct. 5 - 19-48 months in prison, CONSECUTIVE with Cts. 1, 2, 3, & 4; Ct. 6 - 19-48 months in prison, CONCURRENT with all Cts; Ct. 7 - 19-48 months in prison, CONCURRENT with Ct. 5 and CONSECUTIVE with Cts. 1, 2, 3, & 4; Ct. 8 - 19-48 months in prison, CONCURRENT with Cts. 1, 2, 3, & 4; Ct. 9 - 19-48 months in prison, CONCURRENT with Cts. 1, 2, 3, 4, & 8; Ct. 10 - 19-48 months in prison; CONCURRENT with Cts. 1, 2, 3, 4, 8, & 9; Ct. 11 - 19-48 months in prison; CONCURRENT with Cts. 1, 2, 3, 4, 8, 9, & 10; Ct. 12 - 19-48 months in prison; CONCURRENT with Cts. 1, 2, 3, 4, 8, 9, 10, & 11; Ct. 13 - 19-48 months in prison, CONCURRENT with Cts. 5, & 7, 1 and CONSECUTIVE with Cts. 1, 2, 3, 4, 8, 9, 10, 11, & 12. Total aggregate sentence of 38-96 months in prison with 384 days CTS.
(b) has the sentence been stayed pending appeal? No.
(c) was defendant admitted to bail pending appeal? No.
- Was counsel in district court appointed XX or retained _____?
- Attorney filing this docketing statement:
Attorney HOWARD S. BROOKS, #3374, Telephone 455-4576
Firm Clark County Public Defender's Office
Address 309 S. Third St., #226
Las Vegas, Nevada 89155
Client Sayedbashe Sayedzada
- 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.
- Is appellate counsel appointed X 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

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 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 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 with NRAP 44 and NRS 30.130?

N/A _____ Yes _____ No _____ Unknown at this time.

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: Counsel has no objection to appointment to Court of Appeals.
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 XX
Public interest: Yes _____ No XX
17. **Length of trial.** If this action proceeded to trial in the district court, how many days did the trial last?
- 2 days.
18. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?
- Yes XX No _____

TIMELINESS OF NOTICE OF APPEAL

19. Date district court announced decision, sentence or order appealed from 10/10/16
20. Date of entry of written judgment or order appealed from 10/19/16
- (a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review: N/A.
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 N/A
- (a) Was service by delivery or by mail _____ (specify).
22. 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 _____
23. Date notice of appeal filed 11/09/16
24. 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

25. 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)	XX _____

VERIFICATION

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

Sayedbashe Sayedzada
Name of appellant

HOWARD S. BROOKS
Name of counsel or record

November 29, 2016
Date

/s/ Howard S. Brooks. , #3374
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 6th day of December, 2016, 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 6th day of December, 2016.

/s/ Carrie M. Connolly
Signature