

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENYA SPLOND

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Supreme Court No. 72545  
District Court # C296374

DOCKETING STATEMENT  
CRIMINAL APPEALS  
(Including pretrial and  
post-conviction habeas corpus  
and petitions for post-conviction  
relief)

MAR 10 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY                       
DEPUTY CLERK

GENERAL INFORMATION

- Judicial District Eighth County Clark  
Judge Elizabeth Gonzalez District Ct. Docket No. C296374
- If the defendant was given a sentence,  
(a) what is the sentence?

KENYA SPLOND was sentenced adjudged guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, \$686.71 Restitution payable to Victim in Count 3 (Brittany Slathar), \$250.00 Indigent Defense Civil Assessment Fee plus \$3.00 DNA Collection Fee, the Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows: **COUNT 1** - a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS; **COUNT 2**- a MAXIMUM of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNT 1; **COUNT 3**-a MAXIMUM of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS plus a CONSECUTIVE term ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of TWENTY- EIGHT (28) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 2; **COUNT 4**- a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNTS 1, 2 & 3; **COUNT 5**- a MAXIMUM of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS, CONSECUTIVE to COUNTS 1, 2, 3 & 4; **COUNT 6**- a MAXIMUM of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS plus a CONSECUTIVE term of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 5; **COUNT 7**- a MAXIMUM of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS, CONSECUTIVE to OTHER COUNTS; **COUNT 8**- a MAXIMUM of ONE HUNDRED FIFTY-

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17-08245

SIX (156) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS plus a CONSECUTIVE term of ONE HUNDRED FIFTY-SIX (156) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT (28) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 7; with NINE HUNDRED THIRTY-FIVE (935) DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and Testing in the current case are WAIVED. The AGGREGATE TOTAL sentence is NINE HUNDRED THIRTY-SIX (936) MONTHS MAXIMUM with a MINIMUM PAROLE ELIGIBILITY OF ONE HUNDRED SIXTY-EIGHT (168) MONTHS.

- (b) has the sentence been stayed pending appeal? No  
(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 T. Augustus Claus Telephone 702-463-4900  
Firm Legal Resource Group, LLC.  
Address 205 N. Stephanie St., Suite D221  
Henderson, Nevada 89074  
Client(s) KENYA SPLOND

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 Steven Wolfson Telephone 671-2500  
Firm Clark County District Attorney's Office  
Address 200 Lewis Ave.  
Las Vegas, Nevada 89101  
Client(s) The State of Nevada

6. Nature of disposition below:

- |  |  |
|--|--|
| <input type="checkbox"/> Judgment after bench trial            | <input type="checkbox"/> Grant of pretrial habeas              |
| X 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 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 | _____  |

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

- |   |   |
|---|---|
| <input type="checkbox"/> death sentence | <input type="checkbox"/> juvenile offender    |
| <input type="checkbox"/> life sentence  | <input type="checkbox"/> 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): **None**

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): **None**

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

Appellant was adjudicated guilty by a jury of multiple felonies for the burglaries and related crimes for multiple businesses in the Las Vegas area.

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:

- 1) Improper Sentencing by Court; and
- 2) Possible other issues once the transcripts have been reviewed.

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 X 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 X  
Public interest: Yes \_\_\_\_ No X

16. Length of trial. If this action proceeded to trial in the district court, how many days did the trial last?

5 days.

17. Oral argument. Would you object to submission of this appeal for disposition without oral argument?

Yes \_\_\_\_ No X

### **TIMELINESS OF NOTICE OF APPEAL**

18. Date district court announced decision, sentence or order appealed from February 6, 2017

19. Date of entry of written judgment or order appealed from February 13, 2017

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review: N/A

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: N/A

(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 March 2, 2017

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)

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### 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 34.710(3) \_\_\_\_\_

NRS 177.015(2) \_\_\_\_\_

NRS 34.710(4) \_\_\_\_\_

NRS 177.055 \_\_\_\_\_

NRS 34.815 \_\_\_\_\_

NRS 177.385 \_\_\_\_\_

NRS 177.015(3) X

### VERIFICATION

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

KENYA SPLOND

Name of appellant

T. Augustus Claus

Name of counsel or record

3/3/17  
Date

  
Signature of counsel of record

**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25(d)(1)(B), I hereby certify that I am an employee of **LEGAL RESOURCE GROUP, LLC.**, and that on the 2<sup>nd</sup> day of March, 2017, I caused the Docketing Statement to be served as follows:

- ☒ [X] by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and/or
- ☐ [ ] pursuant to EDCR 7.26, by sending it via facsimile; and/or
- ☐ [ ] by hand delivery via runner
- ☐ [ ] via electronic service

to the attorneys listed below:

DISTRICT ATTORNEY'S OFFICE  
Clark County District Attorney  
200 South Lewis Avenue  
Las Vegas, Nevada 89155

  
An Employee of the Legal Resource Group, LLC.