

Electronically Filed
May 26 2017 08:51 a.m.
Elizabeth A. Brown
Nevada
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOCKETING STATEMENT

1 CONCURRENT with COUNT 3, and COUNT 7 to a MINIMUM of NINETEEN (19) MONTHS and
2 a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC),
3 CONCURRENT with COUNT 3, and CONSECUTIVE to Case C299066, with SEVEN HUNDRED
4 TWENTY (720) DAYS credit for time served.

5 (b) Has the sentence been stayed pending appeal: **No.**

6 (c) Was the defendant admitted to bail pending appeal: **No.**

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8 3. Was counsel in district court appointed or retained: **Appointed**

9 4. Attorney filing this docketing statement:

10 Michael H. Schwarz, Esq.(702) 598-3909

11 630 South 7th Street

12 Las Vegas, Nevada 89101

13 Attorney for Appellant Darion Muhammad Coleman

14 5. Is Appellant counsel appointed or retained: **Appointed.**

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

16 Attorney: Steven B. Wolfson (702) 671-2500

17 Office of the District Attorney

18 200 Lewis Avenue, third floor

Las Vegas, Nevada 89155

19 7. Nature of Disposition below: **Judgment after jury verdict.**

20
21 8. This appeal raises issues concerning **Life Sentence.**

22 9. Expedited appeals. The court may decide to expedite the appellate process in this
23 matter. Are you in favor of proceeding in such manner? **No.**

24 10. Pending and prior proceedings in this Court: **N/A**

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26 11. Pending and prior proceedings in other courts. **N/A**

27 12. Nature of the action: **Conspiracy to Commit Robbery, Attempt Robbery With**

UDW, Murder with UDW, Battery with UDW, Assault with UDW, Attempt to Possess Controlled Substance, Guilty Verdict, Jury Trial.

13. Issues on Appeal:

a) Whether there was sufficient evidence produced at trial to support the Jury's verdict with respect to first degree murder, when the appellant was acquitted of Conspiracy to Commit Robbery, and Robbery with a Deadly Weapon

b) Whether the District Court erred in denying the Defense request to include Manslaughter as a lesser included offense.

14. Constitutional issues: (If the State is not a party and 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 4 and NRS 30.130;N/A

15. Assignment to the Court of Appeals or retention in the Supreme Court:

Pursuant to NRAP 17(1)(b) the matter is retained by the Nevada Supreme Court. This Appeal is from a Judgment of Conviction that involves both category A and category B felonies.

16. ISSUES OF FIRST IMPRESSION OR OF PUBLIC INTEREST:

FIRST IMPRESSION: No

PUBLIC INTEREST: No

17. Length of Trial: 7 days

18. Would Appellant object to submission of this appeal for disposition without oral argument? Yes

TIMELINESS OF NOTICE OF APPEAL

19. Date district court announce decision, sentence or order appealed from: **Sentencing March 28, 2017**

20. Date of entry of written judgment or order appealed from: **Judgment of Conviction
March 29, 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 by the
district court: N/A

21. Has the time for filing the notice of appeal been tolled by a post judgement motion: No

22. Date notice of Appeal filed: **April 14, 2017**

23. Specify statute or rule governing the time limit for filing the notice of appeal: **Nevada
Rule of Appellate Procedure 4(b)(1)(A.)**

SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority that grants this court jurisdiction to review from:
NRS177.015(3)

Article 6 Section 4, Nevada State Constitution

VERIFICATION

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

Name of Appellant: Darion Muhammad-Coleman

Name of counsel of record: Michael H. Schwarz, Esq.

Dated this 25 day of MAY, 2017


MICHAEL H. SCHWARZ, ESQ.

Nevada Bar No. 5126
630 South 7th Street, Ste 1
Las Vegas, Nevada 89101
(702) 598-3909

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2
3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on the 25 day of May, 2017 I served a copy of the foregoing DOCKETING
5
6 STATEMENT to the Clark County District Attorney's office and the Supreme Court Clerk's Office
7
8 by electronic service in accordance to the Nevada Supreme Court's Master Service List.

9 STEVEN B. WOLFSON
10 Clark County District Attorney
11 200 Lewis Avenue
12 Las Vegas, Nevada 89155
13 motions@clarkcountyda.com

Supreme Court Clerk
Supreme Court Building
201 S. Carson Street
Carson City, Nevada 89701
nvscclerk@nvcourts.nv.gov

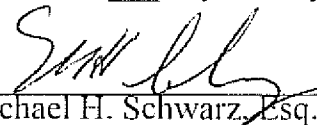
12 I further certify that on the ____ day of May 2017, I deposited a copy of the
13 foregoing Docketing Statement in an envelope, postage fully prepaid to the following:

14 STEVEN B. WOLFSON
15 Clark County District Attorney
16 200 Lewis Avenue
17 Las Vegas, Nevada 89155
18 motions@clarkcountyda.com

Supreme Court Clerk
Supreme Court Building
201 S. Carson Street
Carson City, Nevada 89701
nvscclerk@nvcourts.nv.gov

18 Darion Muhammad-Coleman 1144228
19 High Desert State Prison
20 P.O. Box 650
21 Indian Springs, Nevada 89070

21 Dated this 25 day of May, 2017.

22 
23 Michael H. Schwarz, Esq.