

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

Electronically Filed
Oct 19 2017 12:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSE FERNANDO MONAY-PINA,

Defendant.

CASE APPEAL STATEMENT

1. Eighth Judicial District Court, Clark County

a. Judge Linda Bell

b. District Court case: C-16-313118-1

2. Sentence:

A. Count 1: 24-60 Months

Count 2: 24-120 Months, Concurrent to count 1

Count 3: 24-120 Months, Concurrent to count 1, 2

Count 4: 24-120 Months, Concurrent to count 1, 2, 3

Count 5: 24-120 Months, Concurrent to count 1, 2, 3

Count 6: 24-120 Months, Concurrent to count 1,2,3,4,5

Count 7: 24-120 Months, Concurrent to count 1,2,3

Count 8: 24-120 Months, Concurrent to 1,2,3,4,5,6,7

Count 9: 24-120 Months, Concurrent to 1,2,3,4,5,6,7,8

Count 10: 24-60 Months, Concurrent to 1,2,3,4,5,6,7,8,9

Count 11: 364 Days, Concurrent to 1,2,3,4,5,6,7,8,9,10

Count 12: 12-60 Months, Concurrent to count 1,2,3,5,7

Count 13: 24-60 Months, Concurrent to 1,2,3,4,5,6,7,8,9,10,11,12

b. The sentence has not been stayed pending appeal.

c. the defendant was not admitted to bail pending appeal.

3. Attorney was retained

4. Attorney filing this statement:

THOMAS D. BOLEY, Esq. for Appellant
1900 E. Bonanza Rd.
Las Vegas, NV 89101
702-435-3333
Attorney for Jose Fernando Monay-Pina

5. Appellate Counsel is retained.

6. The State of Nevada, Plaintiff/Respondent.

STEVEN B. WOLFSON for Respondent
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155
702-671-2700

7. Nature of Disposition: Judgment after Jury Verdict

8. This appeal does not concern a death sentence, life sentence, juvenile offender, or pretrial proceedings.

9. Counsel is indifferent to an expedited appellate process.

10. Counsel is not aware of any other proceedings.

11. Counsel is not aware of any previous proceedings.

12. Briefly describe the nature of the action:

Two co-defendants were arrested for a robbery and attempted murder scenario with multiple victims and multiple counts. That case proceeded to trial and the jury found both co-defendants guilty on all counts.

13. Issues for appeal:

- Sufficiency of the evidence against Defendants
- Judge Bell's ruling against a motion for a mistrial when certain statements were made in the State's closing.
- The sufficiency of the identification of Mr. Monay-Pina
- The prejudice of being associated with the acts of co-defendant.

14. This appeal does not challenge the constitutionality of a statute of municipal ordinance.

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2 15. Assignment to Supreme Court or Court of Appeals:

3 Because this appeal challenges a motion for a mistrial during the jury trial, counsel
4 believes that it fits within NRAP 17(a)(1).

5 16. This appeal does not present a substantial legal issue of first impression or one affecting an
6 important public interest.

7 17. Length of trial: 3 days

8 18. I would object to submission of this appeal for disposition without oral argument.

9 19. Date of judgment of conviction: 9/21/2017

10 20. Date of written judgment or order appealed from: 9/21/2017

11 21. This appeal is not from an order granting or denying a petition for a writ of habeas corpus.

12 22. The time for filing the notice of appeal was not tolled by a post judgment motion.

13 23. Date notice of appeal filed: 10/3/2017

14 24. Rule governing time limit for notice of appeal: NRAP 4(b)

15 25. Statute that grants this court jurisdiction to review: NRS177.015(3)

16 **VERIFICATION**

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

19 Name of Appellant: Jose Fernando Monay-Pina

20 Name of counsel of Record: Thomas D. Boley, Esq.

21 Date: 10/18/2017

22 Signature of counsel of record:

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CERTIFICATE OF SERVICE

I certify that on the 19 day of October, I served a copy of this completed docketing statement upon all counsel of record:

By mailing it by first class mail with sufficient postage prepaid to the following addresses:

Steven B. Wolfson, Esq.
200 Lewis Ave
Las Vegas, NV 89101

Adam Gill, Esq.
723 S. 3rd St.
Las Vegas, NV 89101

DATED this 19 day of October, 2017

Signature: 