

IN THE SUPREME COURT OF THE STATE OF NEVADA

CASIMIRO VENEGAS,

Appellant,)

VS.)

THE STATE OF NEVADA,)

Respondent.)

Case No. 74241 Electronically Filed
(Dist. Ct. Case No. No. 16-3-2017-02:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DOCKETING STATEMENT

1. **Judicial district, county, judge, and district court docket number**

of lower court proceedings: Eighth Judicial District, County of Clark,
Honorable Judge, Linda Bell, District Court Case Number C-13-313118-1.

2. **Conviction(s) appealed from:** Count (1) for of Conspiracy to Commit Robbery (Category B Felony – NRS 200.380, 199.480; counts two (2) and four (4) for Burglary while in Possession of a Firearm (Category B Felony – NRS 205.060); counts three (3) and five (5) for Robbery with Use of a Deadly Weapon (Category B Felony – NRS 200.380, 193.165); counts six (6), eight (8), nine (9), and ten (10) for Battery with Use of a Deadly Weapon Resulting in Substantial bodily Harm (Category B Felony – NRS 200.481); count seven (7) for Attempt Murder with Use of a Deadly Weapon; count 11 for Aiming a Firearm at a Human Being (Gross Misdemeanor – NRS 202.290; count (12) for

1 Coercion with Use of a Deadly Weapon (NRS 207.190, 193.165); and count 13
2 for Battery with Intent to Commit a Crime (Category B Felony – NRS
3 200.400.2).
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5 3. **Sentence for each count:** As to count one (1), a maximum term of
6 sixty (60) months, with minimum parole eligibility after twenty-four (24) months
7 in the Nevada Department of Corrections. As to count two (2), a maximum term
8 of twenty-five (25) years, with minimum parole eligibility after ten (10) years, to
9 run concurrent to count (1); as to count three (3), a maximum term of twenty-five
10 (25) years, with minimum parole eligibility after ten (10) years, concurrent to
11 counts one and two; as to count four (4), a maximum term of twenty-five (25)
12 years, with minimum parole eligibility after ten (10) years, consecutive to counts
13 one, two, and three; as to count (5), a maximum term of twenty-five (25) years,
14 with minimum parole eligibility after ten (10) years, concurrent with count four,
15 and consecutive to counts one, two, and three; as to count (6), a maximum term
16 of one hundred twenty (120) months, with minimum parole eligibility after
17 twenty-four (24) months, concurrent with counts one, two, three, and five; as to
18 Count seven (7), a maximum term of twenty-five (25) years, with minimum
19 parole eligibility after ten (10) years, consecutive to counts one, two, and three,
20 and concurrent with counts four and five; as to count eight (8), a maximum term
21 of one hundred twenty (120) months, with minimum parole eligibility after
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1 twenty-four (24) months, concurrent with counts one, two, three, four, five, and
2 six; as to count (9), a maximum term of sixty (60) months, with minimum parole
3 eligibility after twenty-four (24) months, concurrent with counts one, two, three,
4 four, five, six, seven, and eight; as to count ten (10), a maximum term of sixty
5 (60) months, with minimum parole eligibility after twenty-four (24) months,
6 counts one through nine; as to count 11, 364 days in the Clark County Detention
7 Center, concurrent with counts one through ten; as to count 12, a maximum term
8 of sixty (60) months, with minimum parole eligibility after twenty-four (24)
9 months, consecutive to counts one, two, three, four, five, and seven, and
10 concurrent to counts six and eight through eleven; as to count 13, a maximum
11 term of sixty (60) months, with minimum parole eligibility after twenty-four (24)
12 months, concurrent with counts one through twelve, with four hundred seventy-
13 six (476) days credit for time served. The aggregate total sentence was computed
14 on the Judgment of Conviction as a maximum term six hundred sixty (660)
15 months, with minimum parole eligibility after two hundred sixty-four (264)
16 months.
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23 Additionally, Mr. Venegas was required to pay a \$25.00 Administrative
24 Assessment fee, \$350 Court Appointed Attorney Fee, and a \$3.00 DNA
25 Collection fee. Mr. Venegas' sentence has not been stayed pending appeal nor
26 has he been admitted bail pending appeal.
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1 4. **Was counsel in district court appointed or retained:**
2 Appointed.

3 5. **Attorney filing this docketing statement:** Adam L. Gill, Esq.,
4 Aisen, Gill & Associates, 723 South 3rd Street, Las Vegas, NV 89101,
5 (702) 750-1590.
6

7 6. **Is appellate counsel appointed or retained:** Appointed
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9 7. **Attorneys Representing Respondent:** Adam Laxalt, Esq., and
10 Steven Owens, Esq., of the Office of the Nevada District Attorney.
11

12 8. **Nature of disposition:** Judgment after Jury verdict of Guilty on all
13 counts.
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15 9. **Does this appeal raise issues concerning any of the following:** No.
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17 10. **Expedited Appeals:** Appellant is not in favor of an expedited
18 appeals process.

19 11. **Pending and prior proceedings in this court:** N/A.
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21 12. **Pending and prior proceedings in other courts:** N/A.
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23 13. **Nature of action:** Mr. Venegas was found Guilty of the
24 aforementioned counts after jury trial. Afterwards, Mr. Venegas timely submitted
25 his notice of appeal, case appeal statement, and request for rough draft
26 transcripts.
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1 14. **Issues on appeal:** In an abundance of caution, Counsel reserves the
2 right to raise any issues on appeal that present themselves on the forthcoming
3 rough draft transcripts. At the time, Counsel intends to present at least one claim
4 regarding insufficiency of evidence for count eleven.
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6 15. **Constitutional Issues:** N/A.
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8 16. **Assignment to Court of Appeals:** Pursuant to NRAP 17,
9 convictions for Category B felonies are not presumptively assigned to the Court
10 of Appeals. NRAP 17 (b). As this is the case, Mr. Venegas respectfully requests
11 that the Nevada Supreme Court retain this case, as he is appealing Category B
12 felonies after a jury conviction.
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14 17. **Issues of first impression or public interest:** N/A
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16 18. **Length of trial:** 3 days total, but only 2 days of testimony.
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18 19. **Oral argument:** Counsel objects to submission of this appeal for
19 disposition without oral argument.
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21 20. **Date district court announced decision, sentence, or order**
22 **appealed from:** Appellant sentenced on September 7, 2017.
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24 21. **Date of entry of written judgment or order appealed from:**
25 Judgment of Conviction filed on September 21, 2017.
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27 22. **Date notice of appeal filed:** October 10, 2017.
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1 23. **Rule governing the time limit for filing the notice of appeal:**
2 NRAP 4(b).

3 24. **Specify statute, rule, or other authority that grants this court**
4 **jurisdiction to review from:** NRS 177.015(3).
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Dated this 13th day of November, 2017.

ADAM L. GILL, ESQ.
Nevada Bar Number 11575
723 South Third Street
Las Vegas, Nevada 89101
Attorney for Appellant

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I further certify that I served a copy of this document by mailing a true and correct copy, postage prepaid, addressed to:

Venegas, Casimiro #1024122
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

Dated this 14th day of November, 2017.

ISEN, GILL & ASSOCIATES
1723 SOUTH 3RD STREET
LAS VEGAS, NV 89101