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Electronically Filed
Dec 21 2017 10:35 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

8 CALVIN ELAM,
9 Appellant,
10 vs.
11 STATE OF NEVADA,
12 Respondent.

CASE NO.: 74581

DOCKETING STATEMENT

13
14 **GENERAL INFORMATION**

- 15 1. Judicial District: **Eighth Judicial District** County: **Clark County**
16 Judge: **Honorable Valerie Adair** District Ct. Case No.: **C-15-305949-1**
17 2. If the defendant was given a sentence,
18 (a) What is the sentence?: **Count 1- 24 to 72 months in NDOC; Count 2- 5**
19 **years to Life in prison, plus a consecutive term of 60 to 180 months for**
20 **the use of a deadly weapon, Count 2 to run concurrent with Count 1;**
21 **Count 3- 12 to 72 months in NDOC, Count 3 to run consecutive to**
22 **Count 2; Count 5- 2 years to Life in prison, Count 5 to run consecutive**
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1 to Count 3. Counts 4, 6, and 7 are dismissed. Count 8 is dismissed
2 without prejudice. The aggregate total sentence is 13 years to Life in
3 prison. Further ordered, the District Court imposed a special sentence
4 of lifetime supervision upon release of any term of imprisonment,
5 probation, or parole. Additionally, the Appellant must register as a sex
6 offender after release from custody.
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8 (b) Has the sentence been stayed pending appeal: **No.**

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

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

11 4. Attorney filing this docketing statement:
12

13 **THOMAS A. ERICSSON, ESQ.**
14 **ORONOS & ERICSSON, LLC**
15 **702-878-2889**
16 **1050 Indigo Drive, Suite 120**
Las Vegas, NV 89145
Attorney for Appellant

17 5. Is appellate counsel appointed or retained: **Appointed.**

18 6. Attorney(s) representing Respondent(s):
19

20 **STEVEN B. WOLFSON**
21 **Clark County District Attorney**
22 **200 Lewis Avenue**
Las Vegas, Nevada 89155
Attorney for Respondent

23 7. Nature of disposition below: **Conviction by jury verdict.**
24

1 8. Does this appeal raise issues concerning any of the following: 1) death
2 sentence; 2) juvenile offender; 3) life sentence; 4) pretrial proceedings: **Life**
3 **Sentence.**

4 9. Expedited appeals – The court may decide to expedite the appellate
5 process in this matter. Are you in favor of proceeding in such manner: **No.**
6

7 10. List the case name and docket number of all appeals or original
8 proceedings presently or previously pending before this court which are
9 related to this appeal:

10 **N/A.**

11 11. List the case name, number and court of all pending and prior proceedings
12 in other courts that are related to this appeal:

13 **a) Trial:**

14 **State of Nevada v. Calvin Elam:**

15 **C-15-305949-1**

16 12. Nature of the action: **Appeal from a Judgment of Conviction.**

17 13. Issue(s) on appeal:

18 **a) Whether the district court erred by permitting Mr. Elam's**
19 **statement to be played to the jury.**

20 **b) Any other issues that arise in reviewing the record.**
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1 14. If the State is not a party and if this appeal challenges the constitutionality
2 of a statute or municipal ordinance, have you notified the clerk of this court
3 and the attorney general in accordance with NRAP 44 and NRS 30.130:
4 **N/A.**

5
6 15. Briefly set forth whether the matter is presumptively retained by the
7 Supreme Court or assigned to the Court of Appeals under NRAP 17, and
8 cite the subparagraph(s) of the Rule under which the matter falls. If
9 appellant believes that the Supreme Court should retain the case despite its
10 presumptive assignment to the Court of Appeals, identify the specific
11 issue(s) or circumstance(s) that warrant retaining the case, and include an
12 explanation of their importance or significance:

13
14 **Pursuant to NRAP 17(b), this matter should be retained by the**
15 **Nevada Supreme Court because it involves Category A felonies.**

16 16. Does this appeal present a substantial legal issue of first-impression in this
17 jurisdiction or one affecting an important public interest: **No.**

18
19 17. Length of trial: **7 days.**

20 18. Would you object to submission of this appeal for disposition without oral
21 argument: **No.**

TIMELINESS OF NOTICE OF APPEAL

19. Date district court announced decision, sentence or order appealed from:

October 19, 2017.

20. Date of entry of written judgment or order appealed from: **October 31, 2017.**

21. If this appeal is from an order granting or denying a petition for writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court: **N/A.**

22. Has the time for filing the notice of appeal been tolled by a post judgment motion: **No.**

23. Date notice of appeal filed: **November 13, 2017.**

24. 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

25. Specify statute, rule or other statutory authority that grants this court jurisdiction to review from: **NRS 177.015 (3).**

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Name of appellant: Calvin Elam

DATED this 21st day of December, 2017.

By: /s/ Thomas A. Ericsson
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CLARK COUNTY DISTRICT ATTORNEY
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By: /s/ Rachael Stewart
An employee of Oronoz & Ericsson, LLC