

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

**INDICATE FULL CAPTION:**

LUIS ALEJANDRO MENENDEZ-  
CORDERO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74901

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

(Including appeals from pretrial and post-conviction  
rulings and other requests for post-conviction relief)

Electronically Filed  
Jan 25 2018 04:26 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions.

Revised December 2015

1. Judicial District Second County Washoe

Judge Hon. Connie J. Steinheimer District Ct. Case No. CR15-1674

2. If the defendant was given a sentence,

(a) what is the sentence?

Two consecutive terms of life in the Nevada Department of Corrections without the possibility of parole, plus a consecutive term of 96 to 240 months for the use of a deadly weapon on each of the life terms.

(b) has the sentence been stayed pending appeal?

No.

(c) was defendant admitted to bail pending appeal?

No.

3. Was counsel in the district court appointed ☒ or retained ☐ ?

4. **Attorney filling this docketing statement:**

Attorney John Reese Petty Telephone 775.337.4827

Firm Washoe County Public Defender's Office

Address: 350 South Center Street, 5th Floor, P.O. Box 11130, Reno, Nevada 89520-0027.

Client(s) Luis Alejandro Menendez-Cordero

5. Is appellate counsel appointed ☒ or retained ☐ ?

**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.**

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

Attorney Terrence P. McCarthy Telephone 775.337.5755

Firm Washoe County District Attorney's Office

Address: 1 South Sierra Street, 7th Floor, P.O. Box 11130, Reno, Nevada 89520-0027.

Client(s) The State of Nevada

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address: \_\_\_\_\_

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**7. Nature of disposition below:**

- |   |  |
|---|--|
| <input type="checkbox"/> Judgment after bench trial             | <input type="checkbox"/> Grant of pretrial habeas              |
| <input checked="" type="checkbox"/> 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 habeas (NRS ch. 34)   |
| <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"/> Other disposition (specify):          |
| <input type="checkbox"/> Motion for new trial                   |  |
| <input type="checkbox"/> grant <input type="checkbox"/> denial  |  |
| <input type="checkbox"/> Motion to withdraw guilty plea         |  |
| <input type="checkbox"/> grant <input type="checkbox"/> denial  |  |

**8. Does this appeal raise issues concerning any of the following:**

- |   |   |
|---|---|
| <input type="checkbox"/> death sentence           | <input type="checkbox"/> juvenile offender    |
| <input checked="" type="checkbox"/> life sentence | <input type="checkbox"/> pretrial proceedings |

**9. Expedited appeals:** The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

- ☐ Yes ☒ No

**10. 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.

**11. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

None.

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

The State charged Mr. Menendez-Cordero with two counts of murder with the use of a deadly weapon. A jury convicted him on both counts. The jury fixed the penalty on both counts at life without the possibility of parole.

13. **Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

Did the district court err by using an anonymous jury panel?

Did the district court's pretrial procedural rulings prejudicially interfere with Defendant's right to counsel under the Sixth Amendment?

Did the district err in its discovery rulings?

Did the district court err in allowing expert testimony on MS13 gang membership?

Was the evidence sufficient to sustain the convictions beyond a reasonable doubt?

14. **Constitutional issues:** If the State is not a party and if this 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 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

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

This appeal is not presumptively assigned to the Nevada Court of appeals; it involves convictions for two category A felonies that are jury-based. See NRAP 17(b)(2)(A). The Supreme Court should hear this appeal. One of the primary issues to be developed on appeal involves the use of an "anonymous jury panel." And if the use of such a panel is appropriate in certain circumstances, were those circumstances present here to justify its use? These appear to be issues of first impression in Nevada and should be reviewed by the Nevada Supreme Court. NRAP 17(a) (10).

**16. 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

Public interest:        ☒ Yes                      ☐ No

**17. Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

10 days

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

☐ Yes                      ☐ No

### TIMELINESS OF NOTICE OF APPEAL

19. Date district court announced decision, sentence or order appealed from Dec 19, 2017

20. Date of entry of written judgment or order appealed from Dec 18, 2017

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

21. 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

(a) Was service by delivery ☐ or by mail ☐

22. If the time for filing the notice of appeal was tolled by a post judgment motion,

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (newly  
discovered evidence) \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (other grounds) \_\_\_\_\_ Date filed \_\_\_\_\_

(b) Date of entry of written order resolving motion \_\_\_\_\_

23. Date notice of appeal filed Jan 16, 2018

24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other

NRAP 4(b)

### SUBSTANTIVE APPEALABILITY

25. Specify statute, rule or other authority that grants this court jurisdiction to review from:

|                          |                       |
|--------------------------|-----------------------|
| NRS 177.015(1)(b) _____  | NRS 34.560 _____      |
| NRS 177.015(1)(c) _____  | NRS 34.575(1) _____   |
| NRS 177.015(2) _____     | NRS 34.560(2) _____   |
| NRS 177.015(3) XXX _____ | Other (specify) _____ |
| NRS 177.055 _____        |                       |

### VERIFICATION

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

Luis Alejandro Menendez-Cordero

\_\_\_\_\_  
Name of appellant

Jan 25, 2018

\_\_\_\_\_  
Date

John Reese Petty

\_\_\_\_\_  
Name of counsel of record

  
\_\_\_\_\_  
Signature of counsel of record

### CERTIFICATE OF SERVICE

I certify that on the 25th day of 20 18, I served a copy of this completed docketing statement upon all counsel of record:

☒ By personally serving it upon him/her; <sup>\*</sup>or

☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

\*Utilizing this Court's efilng Master Service List

Dated this 25th day of January

20 18

  
\_\_\_\_\_  
Signature