

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

**INDICATE FULL CAPTION:**

JAVAR ERIS KETCHUM A/K/A JAMES  
TERCHUM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75097

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

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

Electronically Filed  
Mar 26 2018 01:29 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 EIGHTH County CLARK COUNTY

Judge The Hon. Kathy Hardcastle District Ct. Case No. C319714

2. If the defendant was given a sentence,

(a) what is the sentence?

Count One, First Degree Murder: Life with the possibility of parole after 20 years and consecutive enhancement for use of a deadly weapon, minimum 96 months, maximum 240 months.

Count Two, Robbery With Use of a Deadly Weapon: minimum 48 months, maximum 180 months and consecutive enhancement of 48 months minimum, maximum 120 months.

(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 Nicholas M. Wooldridge Telephone (702) 330-4645

Firm Wooldridge Law, Ltd.

Address: 400 South 7th St., 4th Floor, Las Vegas, Nevada 89101

Client(s) Nicholas M. Wooldridge

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 JOHN GIORDANI, ESQ.

Telephone (702) 621-2775

Firm Clark County District Attorney's Office

Address: 200 Lewis Ave., Las Vegas, Nevada 89101

Client(s) 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 checked="" type="checkbox"/> Motion for new trial                  |  |
| <input type="checkbox"/> grant <input checked="" 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):

Only prior proceeding in other court is the underlying district court case.

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

The charges against Mr. Ketchum alleged in the Indictment arise from the September 25, 2016 shooting of Ezekiel F. Davis outside the Top Knotch Apparel on the 4200 block of South Decatur Boulevard. Mr. Ketchum was charged with first degree murder and robbery with use of a deadly weapon. Jury trial began on May 23, 2017 and the jury returned a verdict of guilty on May 26, 2017 on (1) one count of murder with a deadly weapon; and (2) one count of robbery with use of a deadly weapon. Mr. Ketchum was sentenced on February 5, 2018. Mr. Ketchum filed a timely appeal of the district court's judgment on February 6, 2018.

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

1. District Court's evidentiary rulings--including failure to admit the alleged victim's prior bad acts to support the defendant's theory of self-defense--were in error and are grounds for reversal and/or a new trial.
2. The State's failure to disclose inculpatory evidence (The Segments of the Video) during the evidence viewing and not until its closing argument rendered the trial fundamentally unfair and violated Mr. Ketchum's right to due process.
3. District Court's jury instructions were clearly erroneous.
4. Mr. Ketchum's convictions should be reversed on the grounds of insufficient evidence and/or the jury's verdict is not supported by the weight of the evidence.
5. The District Court's denial of Mr Ketchum's Motion for New Trial was an abuse of discretion.

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:

Pursuant to NRAP 17(b)(1), this case may be assigned to the Court of Appeals.

**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?

5 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 02/05/2018

20. Date of entry of written judgment or order appealed from 02/06/2018

(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 February 6, 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)(1)(A)

### SUBSTANTIVE APPEALABILITY

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

NRS 177.015(1)(b) <u>X</u>	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.560(2) _____
NRS 177.015(3) _____	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.

JAVAR E. KETCHUM

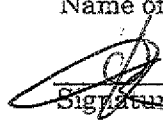
NICHOLAS M. WOOLDRIDGE

Name of appellant

Name of counsel of record

Date

March 26, 2018

  
Signature of counsel of record

### CERTIFICATE OF SERVICE

I certify that on the 26th 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; or

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

Dated this 26th day of March, 20 18.

  
Signature