

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

CEASAR SANCHEZ VALENCIA
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 75282

**DOCKETING STATEMENT
CRIMINAL APPEALS**

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

Electronically Filed
Mar 22 2018 04:21 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.

1. Judicial District EIGHTH County CLARK

Judge MARK B. BAILUS District Ct. Case No. C-16-315580-1

2. If the defendant was given a sentence,

(a) what is the sentence?

COUNT 1 (sentenced under the small habitual) - 84 to 240 months; COUNT 2 - 24 to 72 months, consecutive to COUNT 1; COUNT 3 - 12 to 48 months, concurrent with COUNT 2; COUNT 4 - 12 to 48 months, concurrent with COUNT 3; COUNT 5 - 24 to 72 months, concurrent with COUNT 4.

AGGREGATE TOTAL SENTENCE: 108 to 312 months, 615 days credit for time served.

(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 Gregory E. Coyer, Esq. Telephone 702.802.3088

Firm COYER LAW OFFICE

Address: 600 S. Tonopah Dr., Ste. 220
Las Vegas, Nevada, 89106

Client(s) Ceasar Sanchez Valencia

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 Steven B. Wolfson, Esq. Telephone 702.671.2500

Firm CLARK COUNTY DISTRICT ATTORNEY

Address: 200 Lewis Avenue
Las Vegas, Nevada, 89101

Client(s) The State of Nevada

Attorney Adam P. Laxalt, Esq. Telephone 775.684.1100

Firm NEVADA ATTORNEY GENERAL

Address: 100 North Carson Street
Carson City, Nevada, 89701

Client(s) The State of Nevada

(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 type="checkbox"/> life sentence | <input checked="" 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):

N/A.

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):

C-16-315580-1; State of Nevada v. Ceasar Valencia (Eighth Judicial District Court, Clark County, Nevada).

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

The nature of this action is the direct appeal from a Judgment of Conviction pursuant to a jury verdict. On June 9, 2016, Appellant Ceasar Valencia was charged via Information with the following: COUNT 1 - ASSAULT ON A PROTECTED PERSON WITH USE OF A DEADLY WEAPON; COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON; COUNT 3 - TRAFFICKING IN CONTROLLED SUBSTANCE; COUNTS 4 & 5 - POSSESSION OF CONTROLLED SUBSTANCE. Valencia's jury trial commenced on November 27, 2017 and concluded on December 1, 2017. On January 25, 2018, Valencia was sentenced under the small habitual criminal statute and received an aggregate total sentence of 108 to 312 months. Notice of Appeal was timely filed on March 1, 2018.

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

Issue 1 - whether the district court erred by denying Valencia's request to represent himself;

Issue 2 - whether the district court erred during jury selection;

Issue 3 - whether any of the district court's evidentiary rulings warrant reversal;

Issue 4 - whether the district court erred in denying Valencia's motion for a mistrial;

Issue 5 - whether the district court erred when settling jury instructions;

Issue 6 - whether cumulative error warrants reversal.

Notwithstanding the preliminary issues identified herein, Appellant Valencia reserves the right to alter or amend this list to add or remove issues should appellate counsel deem it appropriate.

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 case is the direct appeal from a Judgment of Conviction resulting from a jury's verdict of 'guilty' to multiple Category B felonies. Therefore, this case is presumptively retained by the Supreme Court because it is specifically excluded from the list of presumptive Court of Appeals assignments described in NRAP 17(b)(2)(A).

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 Jan 25, 2018

20. Date of entry of written judgment or order appealed from 2/6/18 (date JOC was filed)

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

N/A.

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 N/A Date filed _____

New trial (newly discovered evidence) N/A Date filed _____

New trial (other grounds) N/A Date filed _____

(b) Date of entry of written order resolving motion N/A

23. Date notice of appeal filed Mar 1, 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) <u>final judgment</u> _____	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.

Ceasar Sanchez Valencia

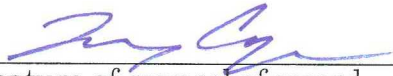
Name of appellant

Gregory E. Coyer

Name of counsel of record

Mar 22, 2018

Date



Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the Mar 22nd 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):

Steven B. Wolfson; 200 Lewis Ave., Las Vegas, Nevada, 89101

Adam P. Laxalt; 100 N. Carson St., Carson City, Nevada, 89701

Ceasar S. Valencia; High Desert State Prison, PO Box 650, Indian Springs, Nevada, 89070

Dated this 22nd day of March, 20 18.



Signature