

**SUPREME COURT OF THE STATE OF NEVADA**

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OSCAR GOMEZ, JR.,

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Electronically Filed  
Sep 05 2018 02:15 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

)

Supreme Court No: 76487

Appellant,

)

D.C. case no.: C-16-316959-1

)

Dept.: XXI

v.

)

STATE OF NEVADA,

)

**E-filed**

)

Respondent.

)

)

**DOCKETING STATEMENT - CRIMINAL APPEALS**

1. Eighth Judicial District, County of Clark, Judge Valerie P. Adair, District  
Court Case number: C-16-316959-1.

2. If the Defendant was given a sentence,

(a.) what is the sentence?

Defendant received a sentence of life with eligibility for parole after a  
minimum of ten (10) years plus a consecutive term of a maximum to two hundred and  
forty (240) months with a minimum parole eligibility of ninety-six (96) months for

the use of a deadly weapon. Defendant was given 716 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? RETAINED.

4. Attorney filing this docketing statement:

Attorney: Terrence M. Jackson Telephone: 702.386.0001

Firm: Law Office of Terrence M. Jackson

624 South Ninth Street

Las Vegas, Nevada 89101

Client: Oscar Gomez, Jr.

5. Is appellate counsel appointed or retained? APPOINTED.

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

Attorney: Steven B. Wolfson Telephone: 702.671.2500

Firm: Clark County District Attorney

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

Client: State of Nevada

Attorney: Steve Owens Telephone: 702.671.2500

Firm: Chief Deputy District Attorney - Appellate Division

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

7. Nature of disposition: JUDGMENT of conviction after Guilty Plea.
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?     No.
10. Pending and prior proceedings in this court: None.
11. Pending and prior proceedings in other courts: None.
12. Nature of action. Briefly describe the nature of the action and the result below:  

This is an appeal from the judgment of conviction after a guilty plea.

Judgment of Conviction was entered on June 22, 2018.
13. Issues on Appeal. State specifically all issues in this appeal:
  1. The Court erred by not finding counsel rendered ineffective assistance of counsel under *Strickland* pre-plea;
  2. The Court erred by not finding counsel rendered ineffective assistance at sentencing;
  3. The sentence the Defendant received was disproportionate and excessive

under the Eighth Amendment;

4. The Court erred by not stating adequate reasons on the record for the weapon enhancement at sentencing;

5. Defendant respectfully requests the right to add additional issues to his Opening Brief if this is warranted by further research.

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 is an appeal from a judgment of conviction after guilty plea under NRAP 17b(1) because it is not a death penalty case it is presumptively assigned to the Court of Appeals. However, because the case involves the constitutionality of the Defendant's life sentence under the Eighth Amendment of the United States Constitution, it should nevertheless be retained by the Nevada Supreme Court under Rule 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? N/A

Sentencing: One (1) day.

18. Oral argument. Would you object to submission of this appeal for disposition without oral argument? ☒ Yes ☐ No.

19. Date district court announced decision, sentence or order appealed from:  
June 14, 2018.

20. Date of entry of written judgment or order appealed from: June 22, 2018.

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: N/A

(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:  
N/A

23. Date notice of appeal filed: July 18, 2018.

24. Specify statute or rule governing the time limit for filing notice of appeal:  
NRAP 4(b)

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

### **VERIFICATION**

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

Oscar Gomez, Jr.  
Name of Appellant

Terrence M. Jackson, Esq.  
Name of Counsel of Record

August 27, 2018  
Date

//s// Terrence M. Jackson  
Signature of counsel of record

## **CERTIFICATE OF SERVICE**

I certify that on the 27th day of August, 2018, I served a copy of this completed docketing statement upon all counsel of record:

[ X ] Via Electronic Service (eFlex) to the Nevada Supreme Court;

[ X ] and by United States first class mail with postage affixed to the Nevada Attorney General and to the Defendant as follows:

STEVEN B. WOLFSON  
Clark County District Attorney  
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100 North Carson Street  
Carson City, Nevada 89701

By: /s/ Ila C. Wills

Assistant to T. M. Jackson, Esq.