

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

THOMAS CASH ,) No. 77018	Electronically Filed
)	Oct 15 2018 10:29 a.m.
Appellant,)	Elizabeth A. Brown
)	Clerk of Supreme Court
vs.) DOCKETING STATEMENT	
) CRIMINAL APPEALS	
) (Including pretrial and	
THE STATE OF NEVADA,) post-conviction habeas corpus	
) and petitions for	
) post-conviction relief)	
Respondent.)	
_____)	

GENERAL INFORMATION

1. **Judicial District:** Eighth Judicial District, County of Clark,
Judge(s): DOUGLAS SMITH, District Ct. VIII
District Court Case No. C-18-329699-1.
2. **If the defendant was given a sentence,**
(a) what is the sentence? Life Without the Possibility of Parole
under the Large Habitual Criminal Statute (NRS 207.012),
(b) has the sentence been stayed pending appeal? No.
(c) was defendant admitted to bail pending appeal? No.
3. **Trial or post conviction counsel appointed or retained** retained.
4. **Attorney filing this docketing statement:**

Attorney Brian Rutledge Telephone 702-297-7200
Firm Brian Rutledge PC
Address 10170 W. Tropicana#156-431
Las Vegas, Nevada 89147
Client(s) Thomas Cash
5. **Is appellate counsel appointed or retained** Appointed.

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. N/A
6. **Attorney(s) representing respondent(s):**

Attorney Steve Owens Telephone 671-2500
Firm Clark County District Attorney's Office
Address 200 Lewis Avenue

Firm Clark County District Attorney

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below:

- ☐ Judgment after bench trial ☐ Grant of pretrial habeas
X Judgment after jury verdict ☐ Grant of motion to suppress evidence
☐ Judgment upon guilt plea ☐ Post-conviction relief (NRS ch.177)
☐ Grant of pretrial motion to dismiss ☐ grant ☐ denial
☐ Parole/Probation revocation
☐ Post-conviction habeas (NRS ch.34) ☐ grant ☐ denial
☐ Motion for new trial ☐ grant ☐ denial
☐ Other disposition (specify) _____
☐ Motion to withdraw guilty plea _____
 ☐ grant ☐ denial _____

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

- ☐ death sentence ☐ juvenile offender
☒ life sentence ☐ 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 X

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 which are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants): State of Nevada v. Thomas Cash, C-18-329699-1, Eighth Judicial District Department VIII.

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

Following a jury trial, Thomas Cash was found guilty Second Degree Murder with use of a Deadly Weapon. The district court sentenced the appellant as noted above. This appeal follows.

13. Issues on appeal. State concisely the principal issue(s) in this appeal:

(1) insufficient evidence to support the finding of guilt
(2) prosecutorial misconduct (3) other issues counsel finds upon reading the transcripts (transcripts are still being prepared and undersigned counsel was just appointed and was not trial counsel)

14. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, 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:

Under NRAP 17(b) (2) as amended in Oct 2016, this case is NOT presumptively to be assigned to the Court of Appeals because it involves a jury verdict to a category A felony.

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? 8.

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: August 20, 2018.

20. Date of entry of written judgment or order appealed: August 24, 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

(a) Was service by Delivery___ or by mail___

N/A

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: September 19, 2018

24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.710, NRS 34.575, NRS 177.015(2), or other NRAP 4(b).

SUBSTANTIVE APPEALABILITY

25. Specify statute, rule or other authority which grants this court jurisdiction to review the judgment or order appealed from:

NRS 177.015(1) _____ NRS 34.710(3) _____
NRS 177.015(3) X NRS 34.710(4) _____
NRS 177.055 _____ NRS 34.815 _____
NRS 177.385 _____
Other (specify) _____

VERIFICATION

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

Thomas Cash

Name of appellant

Brian Rutledge

Name of counsel or record

10-13-2018

Date

/s./ Brian Rutledge

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 13th day of October, 2018, a true and correct copy of the foregoing DOCKETING STATEMENT was electronically served upon the appropriate parties hereto in accordance to the Master List.

Dated this 13th day of October, 2018.

/s./ Brian Rutledge
Signature