



# In the Supreme Court of the State of Nevada

INDICATE FULL CAPTION:

Damon Lamar Campbell

Appellant(s),

vs.

State of Nevada

Respondent(s).

No. 39127

## DOCKETING STATEMENT CRIMINAL APPEALS

(Including pretrial and post-conviction habeas corpus, and petitions for post-conviction relief)

**FILED**

FEB 22 2002

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

### GENERAL INFORMATION

1. Judicial District Eighth County Clark  
Judge Loehrer District Ct. Docket No. C169550

2. If the defendant was given a sentence,  
(a) what is the sentence? Count I - Life without the possibility of parole  
plus an equal and consecutive life without the possibility of ap  
parole. Count II - min of 43 months - max of 192 months plus  
an equal and consecutive 43-192 months  
(b) has the sentence been stayed pending appeal? no  
(c) was defendant admitted to bail pending appeal? no

3. Was trial or post-conviction counsel appointed x or retained       ?

4. Attorney filing this docketing statement:

Attorney David Schieck, Esq. Telephone 382-0844  
Firm         
Address 302 E. Carson #600  
Las Vegas NV 89101  
Client(s) Appellant

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.

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

Attorney        Telephone         
Firm District Attorney's Office  
Address 200 S. Third Street  
Las Vegas NV 89155  
Client(s) Respondent

Attorney        Telephone         
Firm Nevada Attorney General  
Address 100 N. Carson  
Carson City NV 89701  
Client(s) Respondent

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DEPUTY CLERK

(List additional counsel on separate sheet if necessary)

02-03404

6. Nature of disposition below:

- ☐ Judgment after bench trial
- ☒ Judgment after jury verdict
- ☐ Judgment upon guilty plea
- ☐ Grant of pretrial motion to dismiss
- ☐ Parole/Probation revocation
- ☐ Motion for new trial
  - ☐ grant    ☐ denial
- ☐ Motion to withdraw guilty plea
  - ☐ grant    ☐ denial

- ☐ Grant of pretrial habeas
- ☐ Grant of motion to suppress evidence
- ☐ Post-conviction relief (NRS ch. 177)
  - ☐ grant    ☐ denial
- ☐ Post-conviction habeas (NRS ch. 34)
  - ☐ grant    ☐ denial
- ☐ Other disposition (specify).....

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

- ☐ death sentence
- ☒ life sentence
- ☐ juvenile offender
- ☐ pretrial proceedings

8. 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.....

9. 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

10. 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):

None

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

Campbell convicted by jury of first degree murder with use of a deadly weapon and attempt murder with use of a deadly weapon. He was sentenced to life without the possibility of parole and an equal and consecutive life without.

12. No Merit Appeal. If appellant was the defendant below, does counsel intend to file an affidavit of no merit appeal pursuant to Anders v. California, 386 U.S. 738 (1967) and Sanchez v. State, 85 Nev. 95, 450 P.2d 793 (1969)?

Yes.....No ☒.....

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

1. Whether there was sufficient evidence to convict
2. Whether the District Court erred in failing to strike the notice of intent to seek the death penalty
3. Whether the jury was properly instructed on the definition of malice
4. Such other and further issues as are revealed by review of the record.

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. **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 ☒ .....

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

7 days plus penalty hearing

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

Yes ☒ No .....

### **TIMELINESS OF NOTICE OF APPEAL**

18. Date district court announced decision, sentence or order appealed from 1-14-02  
1-22-02
19. Date of entry of written judgment or order appeal from .....

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

20. 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.....

N/A

(a) Was service by delivery or by mail.....(specify).

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

N/A

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

Arrest judgment.....Date filed.....

New trial.....Date filed.....

(newly discovered evidence)

New trial.....Date filed.....

(other grounds)

(b) Date of entry of written order resolving motion.....

22. Date notice of appeal filed.....1-25-02.....

23. Specify statute or rule governing the time limit for filing the notice of appeal, *e.g.*, NRAP 4(b), NRS 34.710, NRS 34.815, NRS 177.015(2), or other.....

NRAP 4(b)

### SUBSTANTIVE APPEALABILITY

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

NRS 177.015(1)(b).....

NRS 34.710(3).....

NRS 177.015(2).....

NRS 34.710(4).....

NRS 177.055.....

NRS 34.815

NRS 177.385.....

Other (specify).....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.

Damon Campbell

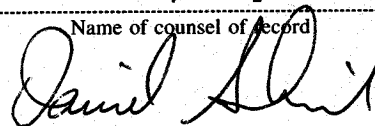
Name of appellant

2-19-02

Date

David Schaeck, Esq

Name of counsel of record



Signature of counsel of record

## CERTIFICATE OF SERVICE

I certify that on the 19 day of Feb, 2002, I served a copy of this completed docketing statement upon all counsel of record:

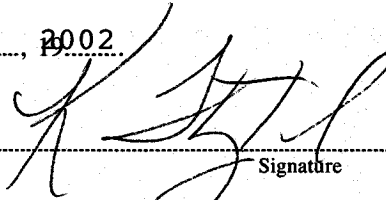
☐ by personally serving it upon him/her; or

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

District Attorney's Office  
200 S. Third Street  
Las Vegas NV 89155

Nevada Attorney General's Office  
100 N. Carson ST.  
Carson City NV 89701-4717

Dated this 19 day of FEB, 2002

  
Signature

KATHLEEN FITZGERALD, AN EMPLOYEE  
OF DAVID M. SCHIECK, ESQ.