



ORIGINAL

FILED

In the Supreme Court of the State of Nevada

APR 22 2002

INDICATE FULL CAPTION:

RENARD T. POLK,

No 39457

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

Appellant(s),

vs.

STATE OF NEVADA,

Respondent(s).

DOCKETING STATEMENT

CRIMINAL APPEALS

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

GENERAL INFORMATION

1. Judicial District EIGHTH JUDICIAL DISTRICT COURT
Judge JUDGE JOSEPH T. BONAVENTURE

County CLARK COUNTY
District Ct. Docket No. C 166490

2. If the defendant was given a sentence,
what is the sentence? COUNT 1 – max of 120 mos & min of 48 mos; COUNT 2 – max of Life with a min of 240 mos (consecutive to Count 1). SPECIAL SENTENCE of Lifetime Supervision

(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 YES or retained _____?

4. Attorney filing this docketing statement:

Attorney DAVID M. SCHIECK, ESQ.
Firm LAW OFFICE OF DAVID M. SCHIECK
Address 302 EAST CARSON, STE. 600
LAS VEGAS NV 89101
Client(s) APPELLANT

Telephone (702)382-1844

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 STEWART BELL
Firm CLARK COUNTY DISTRICT ATTORNEY
Address 200 S. THIRD STREET
LAS VEGAS NV 89155
Client(s) RESPONDENT

Telephone (702)455-4711

Attorney FRANKIE SUE DEL PAPA
Firm NEVADA ATTORNEY GENERAL
Address 100 N. CARSON STREET
CARSON CITY NV 89701-4717

Telephone (775)687-3538

Client(s) RESPONDENT
CLERK OF SUPREME COURT
By _____
DEPUTY CLERK

02-07058

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 XXX

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:

AFTER A JURY TRIAL, POLK WAS FOUND GUILTY OF ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN AND SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE. HE WAS SENTENCED TO LIFE BY THE TRIAL COURT.

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 XXX

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

- a. IMPROPER REFERENCE TO INSANITY DEFENSE BY PROSECUTOR
- b. SUFFICIENCY OF EVIDENCE
- c. SUCH OTHER ISSUES REVEALED BY REVIEW OF ALL TRANSCRIPTS OF PROCEEDINGS

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 XXX 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 XX _____
Public interest: Yes _____ No XX _____

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

4 days

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

Yes XXX No _____

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from: SENTENCING: MARCH 14, 2002

19. Date of entry of written judgment or order appeal from: JOC: APRIL 1, 2002

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

CERTIFICATE OF SERVICE

I certify that on the 18 day of APRIL, 2002 I served a copy of this completed docketing statement upon all counsel of record:

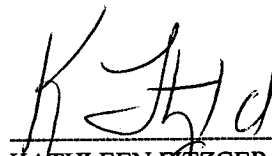
___ by personally serving it upon him/her; or

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

STEWART BELL
CLARK COUNTY DISTRICT ATTORNEY
200 S. THIRD STREET
LAS VEGAS NV 89155

FRANKIE SUE DEL PAPA
NEVADA ATTORNEY GENERAL
100 N. CARSON STREET
CARSON CITY NV 89701-4717

Dated this 18 day of APRIL, 2002



KATHLEEN FITZGERALD, an employee of
DAVID M. SCHIECK, ESQ.