

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

LUIGY RICHARD LOPEZ-DELGADO,	)	Electronically Filed
	)	Apr 18 2019 09:27 a.m.
Appellant,	)	Elizabeth A. Brown
	)	Clerk of Supreme Court
vs.	)	
	)	Case No. 78472
THE STATE OF NEVADA,	)	
	)	<b>DOCKETING STATEMENT</b>
Respondent.	)	<b>CRIMINAL APPEALS</b>
_____	)	

**GENERAL INFORMATION**

1. **Judicial District:** Second      **County:** Washoe  
**Judge:** Jerome Polaha      **District Ct Case No.:** CR18-1654

2. **If the defendant was given a sentence,**

(a) What is the sentence?

Count II: Pursuant to his plea of guilty, the court determined Mr. Lopez-Delgado was guilty of Statutory Sexual Seduction by Person Age 21 or Older, a violation of NRS 200.368.1, and sentenced him to a term of 48 months to 120 months, with credit for 456 days time served.

Count IV: Pursuant to his plea of guilty, the court determined Mr. Lopez-Delgado was guilty was guilty of Possession of Visual Pornography of Person Under Age 16, a violation of NRS 200.730.1, and sentenced him to a term of 28 months to 72 months, to be served consecutively to sentence imposed in Count II.

Count VI: Pursuant to his plea of guilty, the court determined Mr. Lopez-Delgado was guilty of Lewdness with a Child Older than 14, a violation of NRS 201.230.3, and sentenced him to a term of 48 to 120 months, to be

served concurrently with the sentence imposed in Count IV.

(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?**

Appointed.

**4. Attorney filing this docketing statement:**

Attorney: Marc Picker  
Firm: Washoe County Alternate Public Defender  
Address: 350 S. Center Street, 6<sup>th</sup> Floor  
Reno, Nevada 89501  
Telephone: 775-328-3965  
Client: Luigi Richard Lopez-Delgado

**5. Is appellate counsel appointed or retained?**

Appointed.

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

Attorney: Jennifer Noble  
Firm: Washoe County District Attorney  
Address: One South Sierra Street, 4<sup>th</sup> Floor  
Reno, Nevada 89501  
Telephone: 775-328-3200  
Client: The State of Nevada

**7. Nature of disposition below:**

- |  |  |
|--|--|
| <input type="checkbox"/> Judgment after bench trial                  | <input type="checkbox"/> Grant of pretrial habeas              |
| <input type="checkbox"/> Judgment after jury verdict                 | <input type="checkbox"/> Grant of motion to suppress evidence  |
| <input checked="" type="checkbox"/> <b>Judgment upon guilty plea</b> | <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"/> Motion to withdraw guilty plea        |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | <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 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):

N/A

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

Appellant was charged with eight (8) felony charges including Statutory Sexual Seduction by Person 21 or Older (2 counts), Use or Permit a Minor, Under Age 18 to Produce Pornography, Possession of Visual Pornography of Person Under Age 16, Lewdness with Child Older than 14 (2 counts), Lure or Attempt to Lure A child with the Use of Computer Technology to Engage in Sexual Conduct; Attempting to Prevent or Dissuade a Witness From Testifying. Pursuant to a plea negotiation, Appellant pleaded guilty to the charges upon which he was sentenced.

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

Court abused its discretion in sentencing Appellant to maximum prison terms (with two (2) of the sentences running consecutively) without appropriately

considering mitigation evidence, including the stipulated sentence recommendation of the parties and the recommendation of the Division of Parole and Probation.

**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 ☐

**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:

Presumptively assigned to Nevada Supreme Court. NRAP 17(b)(2)(A). Although the rules do not state that appeals from Category B felonies should be retained to the Supreme Court, NRAP 17(b)(2)(A) implies that jury verdicts for Cat A and B crimes would stay with the Supreme Court.

**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

**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 March 14, 2019**

**20. Date of entry of written judgment or order appeal from Judgment of Conviction filed March 15, 2019, Corrected Judgment of Conviction filed March 18, 2019, Second Corrected Judgment of Conviction filed April 8, 2019.**

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

**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

**22. 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 \_\_\_\_\_

**23. Date notice of appeal filed March 29, 2019**

**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 177.015(1) (c) \_\_\_\_\_

NRS 177.015(2) \_\_\_\_\_

NRS 177.015(3) XXXXXXXXXX

NRS 177.055 \_\_\_\_\_

NRS 34.560 \_\_\_\_\_

NRS 34.575(1) \_\_\_\_\_

NRS 34.575(2) \_\_\_\_\_

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.

LUIGY RICHARD LOPEZ-DELGADO

Name of appellant

MARC PICKER

Name of counsel of record

April 18, 2019

Date

/s/ Marc Picker

Signature of counsel of record

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **DOCKETING STATEMENT** to the following:

Luigy Richard Lopez-Delgado, #1213684  
NNCC  
P.O. Box 7000  
Carson City, Nv 89702  
**Via U.S. Mail**

Chris Hicks  
Washoe County District Attorney  
Attn: Appellate Department  
**Via Electronic Mail**

DATED this 18<sup>th</sup> day of April, 2019.

/s/ Randi M. Jensen  
RANDI M. JENSEN