



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

**INDICATE FULL CAPTION:**

Electronically Filed  
Jul 08 2019 03:30 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CHRISTOPHER SENA, )  
)  
Appellant, )  
vs. )  
)  
THE STATE OF NEVADA, )  
)  
Respondent. )  
)

No. 79036

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

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

**GENERAL INFORMATION**

1. Judicial District Eighth County Clark  
Judge William D. Kephart District Ct. No. C-15-311453-1
2. If the defendant was given a sentence,
  - (a) what is the sentence? Ct. 1 - Conspiracy to Commit Sexual Assault; Cts. 2, 4, 7, 9, 10, 12, 13, 15, 20, 88, 90, 92, 107, 108, 109 and 110 - Lewdness With a Child Under the Age of 14; Cts. 3, 6, 8, 11, 14, 19, 87, 89, 91 - Sexual Assault With a Minor Under Fourteen Years of Age; Cts. 21, 23, 25, 26, 28, 52, 54, 71, 72, 74, 76, 79, 80, 83, 95, 96, 98, 101 and 102 - Sexual Assault with a Minor Under Sixteen Years of Age; Cts. 22, 27, 32, 37, 42, 47, 73, 75 and 97 - Incest; Cts. 24, 29, 49, 50, 51, 56 58, 82 - Open or Gross Lewdness; Cts. 31, 33, 35, 36, 41, 46, 48, 62, 64, 66, 68 - Sexual Assault; Cts. 53, 86 and 106 - Preventing or Dissuading Witness or Victim From Reporting Crime or Commencing Prosecution; Cts. 55, 57 and 81 - Child Abuse, Neglect or Endangerment - Sexual Abuse; Cts. 59, 69, 77, 99, 103 - Use of a Minor in Producing Pornography; Cts. 60, 78, 100, 104, 116, 119, 120 - Possession of Visual Presentation Depicting Sexual Conduct of a Child; Cts. 105, 117 - Child Abuse Neglect or Endangerment - Sexual Exploitation - Ct. 115 - Use of a Minor Under the Age of 14 in Producing Pornography - Ct. 118 - Use of a Minor Under the Age of 18 in Producing Pornography and sentenced to \$25 Admin. Fee; \$1,173 restitution payable jointly and severally with co-defendants, \$150 DNA analysis fee including testing to determine genetic markers plus \$3 DNA collection fee, Ct. 1 - 28-72 months in prison; Ct. 2 - 10 years to life consecutive to Ct. 1 - Ct. 3 - 20 years to Life consecutive to Ct. 2 - Ct. 4 - Stayed adjudication; Ct. 6 - 20 years to Life; Ct. 7 - Stayed adjudication; Ct. 8 - 20 years to Life consecutive to Ct. 3 - Ct. 9 - Stayed adjudication; Ct. 10 - 10 years to Life - Ct. 11 - 20 years to Life; Ct. 12 - Stayed adjudication; Ct. 13 - 10 years to Life; Ct. 14 - 20 years to Life; Ct. 15 - Stayed adjudication; Ct. 19 - 20 years to life; Ct. 20 - Stayed adjudication - Ct. 21 - 25 years to Life consecutive to Ct. 3; Ct. 22 - 28-72 months in prison, consecutive to Ct. 21; Ct. 22 - 28-72 months in prison, consecutive to Ct. 21; Ct. 23 - 25 years to Life; Ct. 24 (1 year in CCDC) old statute; Ct. 25 - 25 years to Life in prison consecutive to Ct. 22; Ct. 26 - 25 years to Life; Ct. 27 - 28-72 months in prison; Ct. 28 - 25 years to Life; Ct. 29 - one year in CCDC (old statute); Ct. 31 - 10 years to life; Ct. 32 - 2 years to Life in prison consecutive to 25; Cts. 33, 35, 36, 37 - 10 years to Life in prison; Cts. 41, 46, 48 - 2 years to Life in prison; Cts. 43, 47, 49 - 10 years to Life in prison; Ct. 49, 50, 51 one year in CCDC (old statute); Ct. 52 - 20 years to life in prison; Ct. 53 - 19-48 months, consecutive to Ct. 32; Ct. 54 - 25 years to Life in prison, consecutive to Ct. 53; Ct. 55 - 24-60 months in prison; Ct. 56 - 364 days in CCDC; Ct. 57 - 24-60 months in prison; Ct. 58 - 364 days in CCDC; Ct. 59 - 5 years to Life; Ct. 60 - 24-60 months in prison; Cts. 62, 64, 66, 68 - 10 years to Life in prison; Ct. 69 - 5 years to Life in prison; Ct. 71 - 25 years to Life in prison, consecutive to Ct. 60; Ct. 72 - 25 years to Life in prison, consecutive to

Ct. 71; Ct. 73 - 2 years to Life in prison consecutive to Ct. 72; Ct. 74 - 25 years to Life; Ct. 75 - 2 years to Life in prison; Ct. 76 - 25 years to Life in prison; Ct. 77 - 5 years to Life in prison; Ct. 78 - 24-60 months in prison, consecutive to Ct. 73; Ct. 79 - 25 years to Life, consecutive to Ct. 78, Ct. 80 - 25 years to Life in prison; Ct. 81 - 24-60 months in prison consecutive to 79; Ct. 82 - 364 days in CCDC; Ct. 83 - 25 years to Life in prison; Ct. 86 - 19-48 months in prison; Ct. 87 - 35 years to life consecutive to Ct. 86; Ct. 88 - stayed adjudication; Ct. 89 - 35 years to Life in prison; Ct. 90, Ct. 92 - stayed adjudication; Ct. 91 - 35 years to Life in prison; Ct. 95 - 25 years to Life in prison consecutive to Ct. 87, Ct. 96 - 25 years to life in prison; Ct. 97 - 2 years to Life in prison, consecutive to Ct. 95, Ct. 98 - 25 years to Life in prison; Ct. 99 - 5 years to Life in prison consecutive to Ct. 97; Ct. 100 - 24-60 months in prison; Cts. 101 & 102 - 25 years to Life in prison; Ct. 103 - 5 years to life in prison; Ct. 104 - 24-60 months in prison; Ct. 105 - 24-60 months in prison; Ct. 106 - 19-48 months in prison consecutive to Ct. 100; Ct. 107 - 10 years to Life consecutive to Ct. 106; Cts, 108, 109, 110, 115 - 10 years to Life in prison; Ct. 115 consecutive to Ct. 107; Ct. 116 - 24-60 months in prison, consecutive to Ct. 115; Ct. 117 - 24-60 months in prison, consecutive to Ct. 116, Ct. 118 - 5 years to life in prison, consecutive to 117; Ct. 119 - 24-60 months in prison, consecutive to Ct. 118, Ct. 120, 28-72 months in prison consecutive to Ct. 119, 1,714 days credit for time served. Cts. 5, 16, 17, 18, 30, 34, 38, 39, 40, 43, 44, 45, 61, 63, 65, 67, 70, 84, 85, 93, 94, 111, 112, 113 and 114 Not Guilty. The aggregate total sentence is 327 years, 4 months to Life in prison, ordered to register as a sex offender within 48 hours of release.

(b) has the sentence been stayed pending appeal? No.  
(c) was defendant admitted to bail pending appeal? No.

3. Was counsel in district court appointed XX or retained \_\_\_\_\_?

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

Attorney Howard S. Brooks, #3374 Telephone 455-4576  
Firm Clark County Public Defender's Office  
Address 309 S. Third St., #226  
Las Vegas, Nevada 89155  
Client Christopher Sena

**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. Is appellate counsel appointed X or retained \_\_\_\_\_?

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

Attorney STEVEN B. WOLFSON Telephone 455-4741  
Firm Clark County District Attorney's Office  
Address 200 S. Third St.  
Las Vegas, Nevada 89155  
Client(s) The State of Nevada

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_  
Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

7. **Nature of disposition below:**

- |   |  |
|---|--|
| <input type="checkbox"/> Judgment after bench trial             | <input type="checkbox"/> Grant of pretrial habeas              |
| <input checked="" type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant of motion to suppress evidence  |
| <input type="checkbox"/> Judgment upon guilt plea               | <input type="checkbox"/> Post-conviction relief (NRS ch. 177)  |
| <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"/> Post-conviction habeas (NRS ch. 34)   |
| <input type="checkbox"/> Motion for new trial                   | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> grant <input type="checkbox"/> denial  | <input type="checkbox"/> Other disposition (specify) _____     |
| <input type="checkbox"/> Motion to withdraw guilty plea         | _____  |
| <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 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?

Yes \_\_\_\_\_ No XX

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 which 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: Appellate counsel did not serve as trial counsel; has not completed a thorough review of the lower court proceedings; and is therefore unable to concisely state the nature of the action at the present time.

13. **Issues on appeal.** State specifically all issue(s) in this appeal: Appellate counsel did not serve as trial counsel; has not completed a thorough review of the lower court proceedings; and is therefore unable to concisely state the principal issues on appeal at the present time.

14. **Constitutional issues.** If the States 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 with NRAP 44 and NRS 30.130?

N/A \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown at this time.

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: Subsection (b) of Rule 17 provides that certain cases shall "presumptively" be heard and decided by the court of appeals. NOT INCLUDED in the cases to be "presumptively" assigned to the court of appeals are appeals of convictions for persons convicted of Category A and Category B felonies. No provision of the Nevada Rules of Appellate Procedure suggests that Category A or Category B felonies should be assigned to the court of appeals for resolution. Pursuant to the Judgment of Conviction, Mr. Sena was adjudicated guilty of over 100 counts including both Category A and B felonies. That because this case is a Category A and B felony, and because the provisions that "presumptively" assign certain cases to the Court of Appeals expressly exclude cases involving Category B felonies, the Appellant respectfully requests this Court retain this case for resolution.

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 XX  
 Public interest: Yes \_\_\_\_\_ No XX

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

17 days.

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

Yes XX No \_\_\_\_\_

**TIMELINESS OF NOTICE OF APPEAL**

19. Date district court announced decision, sentence or order appealed from 05/28/19

20. Date of entry of written judgment or order appealed from 05/31/19

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

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 N/A

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

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

(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 06/14/19.
24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g.,  
 NRAP 4(b), NRS 34.710, NRS 34.815, 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) (b) | _____ | NRS 34.710(3)  | _____     |
| NRS 177.015(2)     | _____ | NRS 34.710(4)  | _____     |
| NRS 177.055        | _____ | NRS 34.815     | _____     |
| NRS 177.385        | _____ | NRS 177.015(3) | <u>XX</u> |

**VERIFICATION**

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

Christopher Sena  
 Name of appellant

Howard S. Brooks, #3374  
 Name of counsel or record

July 8, 2019  
 Date

/s/ Howard S. Brooks  
 Signature of counsel of record

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 8 day of July, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD  
STEVEN S. OWENS

HOWARD S. BROOKS

BY /s/ Carrie M. Connolly  
Employee, Clark County Public  
Defender's Office