



## IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

## INDICATE FULL CAPTION:

OSCAR A. STANLEY,

No. 39775

JUN 24 2002

Appellant,

vs.

DOCKETING STATEMENT  
CRIMINAL APPEALSBY JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
S. Young  
DEPUTY CLERK

THE STATE OF NEVADA,

Respondent.

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

## GENERAL INFORMATION

- Judicial District Eighth County Clark  
Judge Donald M. Mosley District Ct. Docket No. C180446
- If the defendant was given a sentence,  
(a) what is the sentence? Defendant was sentenced as a habitual criminal to the Nevada Department of Corrections; as to Count I: LIFE without the possibility of parole; Count II: a MAXIMUM term of Forty-eight (48) Months with a MINIMUM parole eligibility of Twelve (12) Months and pay \$500 Restitution; Count VI: a MAXIMUM term of One Hundred Eighty (180) Months with a MINIMUM parole eligibility of (See back)  
(b) has the sentence been stayed pending appeal? No  
(c) was defendant admitted to bail pending appeal? No
- Was trial or post conviction counsel appointed XXX or retained \_\_\_\_\_?
- Attorney filing this docketing statement:  
Attorney Lauren R. Diefenbach Telephone 455-4576  
Firm Clark County Public Defender's Office  
Address 309 S. Third St., #226  
Las Vegas, NV 89155  
Client(s) Oscar A. Stanley

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

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_

Client(s) \_\_\_\_\_

JUN 24 2002

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

(List additional counsel on separate sheet if necessary)

02-10833

6. **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  | _____  |

7. **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 |

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 XX

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):

N/A

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):

N/A

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

Defendant was charged by way of Amended Information to the following counts: 2 counts of Robbery (Felony - N.R.S. 200.380); 1 count Larceny from the Person (Felony - N.R.S. 205.270); 2 counts of Burglary (Felony - N.R.S. 205.060); 1 count Grand Larceny Auto (Felony - N.R.S. 205.228); 1 count Attempt Murder with Use of a Deadly Weapon (Felony - N.R.S. 200.010, 193.330, 193.165); 1 count Mayhem (Felony - N.R.S. 200.280); 1 count Attempt Robbery, Victim over 65 years of age (Felony - N.R.S. 200.380, 193.167, 193.330), 1 count Attempt Grand Larceny (Felony - N.R.S. 205.220, 205.222, 193.330), 1 count Battery with Deadly Weapon causing Substantial Bodily Harm.

After a jury trial, Defendant was found guilty of 2 counts of Robbery, 1 count of Attempt Robbery, Victim over 65 years of age, 1 count of Mayhem, 1 count Larceny from the Person, 1 count Battery with a Deadly Weapon causing Substantial Bodily Harm, 1 count Unlawful Taking of an Automobile (a Gross Misdemeanor), and 1 count of Attempt Unlawful Taking of an Automobile, a misdemeanor.

After post-trial motions, the Court dismissed the Unlawful Taking of an Automobile and Attempt Unlawful Taking of an Automobile counts, and dismissed the Age Enhancement for the Attempt Robbery conviction.

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 XX

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

1. That the Court committed reversible error when it denied the Defendant's Motion to Suppress his Statement.
2. That the Court committed reversible error when it denied the Defendant's counsel the right to ask the pre-submitted voir dire questions.
3. That the Court committed reversible error when it permitted the State to dismiss a black juror using a peremptory challenge - that this was a Batson violation.
4. That the Court committed reversible error when it dismissed a black juror who arrived in Court about 15 minutes late on the first day before jury selection began - that this violated the Defendant's constitutional right to a jury of his peers.
5. That the Court committed reversible error when it sustained the State's objection to defense counsel's explanation of reasonable doubt during Closing Argument.
6. That the Court committed reversible error when it responded incorrectly to the jury's question about whether the State needed to prove beyond a reasonable doubt that Defendant took the wallet AND lawful money of the U.S. as it was charged in the Amended Information.
7. That the Court committed reversible error by permitting both the mayhem and Battery with a Deadly Weapon causing Substantial Bodily Harm convictions to stand when they are clearly duplicitous.

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 X 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?

7 days

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

Yes X No \_\_\_\_\_

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

18. Date district court announced decision, sentence or order appealed from May 10, 2002

19. Date of entry of written judgment or order appealed from June 4, 2002

(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\_\_\_\_\_

(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,

(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\_\_\_\_\_ 06/07/02\_\_\_\_\_

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)_____ NRS 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.

Oscar A. Stanley  
Name of appellant

06/20/02  
Date

Lauren R. Diefenbach  
Name of counsel or record

Lauren R. Diefenbach  
Signature of counsel of record

**CERTIFICATE OF SERVICE**

I certify that on the 20th day of June, 2002, I served a copy of this completed docketing statement upon all counsel of record:



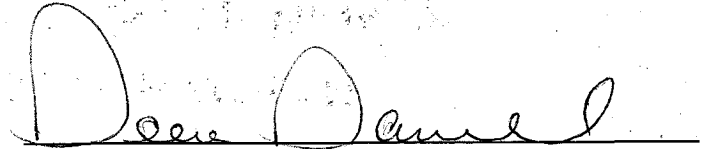
by personally serving it upon him/her; or

DA Appellate



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

Dated this 20th day of June, 2002.



Signature