

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAURICE MOORE,

Appellant,

vs.

THE STATE OF NEVADA,
Defendant.

No. 79817

DOCKETING STATEMENT

Electronically Filed
Oct 31 2019 01:31 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

GENERAL INFORMATION

1. **Judicial District:** Eighth Judicial District **County:** Clark
Judge: Honorable Eric Johnson **District Ct. Case No:** C-17-324535-1
2. **If the defendant was given a sentence,**
(a) what is the sentence? Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows: COUNT 6 – a MAXIMUM of EIGHT (8) YEARS with a MINIMUM parole eligibility of TWO (2) YEARS; and COUNT 7 – a MAXIMUM of EIGHT (8) YEARS with a MINIMUM parole eligibility of TWO (2) YEARS; CONSECUTIVE to COUNT 6; with NINE HUNDRED SEVENTY (970) DAYS credit for time served. The AGGREGATE TOTAL sentence is SIXTEEN (16) YEARS MAXIMUM with a MINIMUM PAROLE ELIGIBILITY OF FOUR (4) YEARS.
(b) has the sentence been stayed pending appeal? No.
(c) was the defendant admitted to bail pending appeal? No.
3. **Was counsel in the district court:** appointed XX or retained
4. **Attorney filing this docketing statement:**

Attorney: Robert M. Draskovich Telephone: (702) 474-4222
Firm: The Draskovich Law Group, Chtd.
Address: 815 S. Casino Center Boulevard
Las Vegas, Nevada 89101
Client(s): Maurice Moore, 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. **Is appellate counsel:** appointed XX or retained

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

Attorney: Alexander G. Chen, Chief Deputy District Attorney

Telephone: (702) 671-2500

Firm: Steven Wolfson, District Attorney

Address: 200 Lewis Avenue

Las Vegas, Nevada 89155

Client(s): The State of Nevada

7. **Nature of disposition below:**

X Judgment after jury verdict.

8. **Does this appeal raise issues concerning any of the following:** No

☐ death sentence

☐ juvenile offender

☐ life sentence

☐ 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., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

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:

The Appellant was convicted by a jury on counts 6 and 7 – Lewdness with a Child Under the Age of 16.

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

- 1) The disparity between sexual assault with a minor under the age of 16 and Lewdness with a Child Under the Age of 16 on the issue of consent.

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 XX Yes No
If not, explain

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:

This case is not presumptively assigned to the Court of Appeals because pursuant to NRAP 17(b)(2)(A) it involves a conviction for a Category B felony. (Count 6 and 7 – Lewdness with a Child Under the Age of 16).

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?

Six (6) 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:** October 8, 2019.

20. **Date of entry of written judgment or order appealed from:** October 11, 2019.

(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:

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: N/A

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:** October 10, 2019.

24. **Specify statute or rule governing the time limit for filing the notice of appeal,** 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(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.

MAURICE MOORE

Appellant

October 31, 2019

THE DRASKOVICH LAW GROUP

Counsel of Record

/s/ Robert M. Draskovich

ROBERT M. DRASKOVICH, ESQ.
Nevada Bar No. 6275

CERTIFICATE OF SERVICE

I certify that on the 31st day of October, 2019, I served a copy of this completed docketing statement upon all counsel of record:

☐ by personally serving it upon him/her; or

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

Alexander G. Chen
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155
Attorney for Respondent

Dated this 31st day of October, 2019.

/s/ Erika W. Magana

An Employee of The Draskovich Law
Group, Chtd.