

SUPREME COURT OF THE STATE OF NEVADA

DENZEL DORSEY,)

#1099468,)

Appellant,)

)

v.)

STATE OF NEVADA,)

)

Respondent.)

_____)

Electronically Filed
Jan 02 2020 01:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No: 79845

D.C. case no.: C-17-323324-1

Dept.: XV

E-filed

DOCKETING STATEMENT - CRIMINAL APPEALS

1. Eighth Judicial District, County of Clark, Judge JOE HARDY, District Court

Case number: C-17-323324-1.

2. If the Defendant was given a sentence,

(a.) what is the sentence?

On June 5, 2018, Defendant is adjudged guilty of the SMALL HABITUAL Criminal Statute and sentenced to a \$25.00 Administrative Assessment Fee, COUNT 1 - INVASION OF THE HOME, plus Restitution of \$1,200.00 in Case VC2252568,

and \$130.00 to VC2191137, plus the 3.00 DNA collection fee, and sentenced to COUNT 1 - a MAXIMUM of ONE HUNDRED FIFTY (150) MONTHS and a MINIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); with FOUR HUNDRED TWENTY-THREE (423) DAYS credit for time served.

(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: Terrence M. Jackson Telephone: 702.386.0001

Firm: Law Office of Terrence M. Jackson

624 South Ninth Street

Las Vegas, Nevada 89101

Client: Denzel Dorsey

5. Is appellate counsel appointed or retained? APPOINTED.

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

Attorney: Steven B. Wolfson Telephone: 702.671.2500

Firm: Clark County District Attorney

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

Client: State of Nevada

Attorney: Steven S. Owens Telephone: 702.671.2500

Firm: Chief Deputy District Attorney - Appellate Division

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

7. Nature of disposition: Judgment of Conviction by Guilty Plea.
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? No.
10. Pending and prior proceedings in this court: pending proceeding: 79845.
11. Pending and prior proceedings in other courts: C-12-279732-1;C-12-284308-1.
12. Nature of action. Briefly describe the nature of the action and the result below:

This is an appeal from a Judgment of Conviction after a guilty plea. The Defendant pled guilty to invasion of home, NRS 205.067 on March 13th, 2018. On July 6, 2018, Defendant filed a Motion to Withdraw Counsel and to Withdraw Plea. After new counsel was appointed, a Motion to Withdraw Guilty Plea was heard on

July 11, 2019. The Court entered an Order denying that Motion on August 6, 2019.

On February 21, 2019, the State filed a Motion to seek felony Habitual Criminal Punishment, noticing Defendant's prior conviction(s). At sentencing on October 3, 2019, Defendant was sentenced and received habitual criminal treatment. Judgment of Conviction was filed on October 9, 2019.

13. Issues on Appeal. State specifically all issues in this appeal:

1. Whether the District Court erred when it found Defendant was not entitled to withdraw his Guilty Plea because of his mental status;

2. Whether the District Court erred finding that counsel was not so ineffective that Defendant's guilty plea was invalid;

3. Whether the State engaged in vindictive prosecution by filing a habitual criminal allegation after the Defendant attempted to withdraw his guilty plea;

4. Whether the defense counsel was ineffective in challenging the habitual criminal allegation as a violation of the Eighth Amendment;

5. Defendant respectfully requests the right to add additional issues to his Opening Brief if this is warranted by further research.

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:

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?

There were four (4) evidentiary hearings, lasting a total of four (4) days.

18. Oral argument. Would you object to submission of this appeal for disposition

without oral argument? [X] Yes [] No.

19. Date district court announced decision, sentence or order appealed from:

August 6, 2019.

20. Date of entry of written judgment or order appealed from: August 7, 2019.

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

(a.) Was service by delivery [] or by mail []. N/A

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

N/A

23. Date notice of appeal filed: October 15, 2019.

24. Specify statute or rule governing the time limit for filing notice of appeal:

NRAP 4(b)

25. Specify statute, rule or other authority that grants this court jurisdiction to review from: NRS177.015(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.

Denzel Dorsey
Name of Appellant

Terrence M. Jackson, Esq.
Name of Counsel of Record

January 2, 2020
Date

//s// Terrence M. Jackson
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 2nd day of January, 2020, I served a copy of this completed docketing statement upon all counsel of record:

[X] Via Electronic Service (eFlex) to the Nevada Supreme Court;

[X] and by United States first class mail with postage affixed to the Nevada

Attorney General and to the Defendant as follows:

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By: /s/ Ila C. Wills
Assistant to T. M. Jackson, Esq.