

SUPREME COURT OF THE STATE OF NEVADA

SAMMIE NUNN,)	
#1226304,)	Electronically Filed Mar 05 2020 03:56 p.m. Elizabeth A. Brown Clerk of Supreme Court
Appellant,)	Supreme Court No: 80121
)	D.C. case no.: C-18-336184-1
)	Dept.: XVIII
v.)	
STATE OF NEVADA,)	E-filed
)	
Respondent.)	
_____)	

DOCKETING STATEMENT - CRIMINAL APPEALS

1. Eighth Judicial District, County of Clark, Judge MARY KAY HOLTHUS,
District Court Case number: C-18-336184-1.

2. If the Defendant was given a sentence,
(a.) what is the sentence?

On June 20, 2019, Defendant was adjudged guilty of Battery with use of a
deadly weapon in violation of NRS 200.481, and sentenced to a maximum of one
hundred twenty months (120) and a minimum of forty-eight (48) months in the

Nevada Department of Corrections. The sentence was suspended and Defendant was placed on probation for an indeterminate period not to exceed five (5) years. The Court further ordered the Defendant be placed on house arrest with six (6) other conditions:

(1) Reporting; (2) Residence; (3) Intoxicants; (4) Controlled Substance; (5) Weapon(s); (6) Search.

(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: Sammie Nunn

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: John T. Niman Telephone: 702.671.2630

Firm: Deputy District Attorney - Appellate Division

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

7. Nature of disposition: Judgment of Conviction by Guilty Plea followed by Revocation of Probation.
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: NSC: 79219, 79264, 80061, 80121.
11. Pending and prior proceedings in other courts: 10-C-265447, C-18-334308-1, C-18-336184-1.

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

This is an appeal from an Amended Judgment of Conviction after a guilty plea on June 6, 2019 to Battery with a Deadly Weapon, NRS 200.481. Defendant was sentenced to probation, but that probation was later revoked by the Court on November 14, 2019, after an evidentiary hearing. The Amended Judgment of Conviction was then filed on November 18, 2019. Defendant filed Notice of Appeal *Pro Per* on November 21, 2019, having been denied several requests for alternate counsel.

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

1. Whether the District Court erred in denying Defendant's Motion to Withdraw His Plea of Guilty because it was manifestly unjust;

2. Whether the District Court erred in revoking Defendant's probation;

3. Whether the District Court erred in denying Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel;

4. 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:

Because this is an appeal of a guilty plea pursuant to NRAP 17(b)(1), it is presumptively assigned to the Court of Appeals.

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 three (3) evidentiary hearings, lasting a total of three (3) days.

18. Oral argument. Would you object to submission of this appeal for disposition without oral argument? ☒ Yes ☐ No.

19. Date district court announced decision, sentence or order appealed from:
November 14, 2019.

20. Date of entry of written judgment or order appealed from: November 21, 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: November 21, 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).

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VERIFICATION

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

Sammie Nunn
Name of Appellant

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

March 5, 2020
Date

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

CERTIFICATE OF SERVICE

I certify that on the 5th day of March, 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:

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