

THE PARIENTE LAW FIRM, P.C.
MICHAEL D. PARIENTE, ESQ.
Nevada Bar No. 9469
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Attorneys for Defendant

Electronically Filed
Dec 10 2019 08:30 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JACK BANKA,

Defendant

Case No: C-18-333254-1
Dept No: 5

CASE APPEAL STATEMENT

1. Name of Appellant filing this case appeal statement:

**Jack Banka, through his attorneys
Michael D. Pariente, Esquire, and John Glenn Watkins,
Esquire, Of Counsel.**

2. Identify the Judge issuing the decision, judgment, or order appealed from:

The Honorable Carolyn Ellsworth

3. Identify each appellant and the name and address of counsel for each appellant:

Jack Banka, in custody

MICHAEL D. PARIENTE, ESQUIRE

Nevada Bar No. 9469

JOHN GLENN WATKINS, ESQUIRE

Nevada Bar No. 1574

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- 1 4. Identify each respondent and the name and address of appellate counsel, if
2 known, for each respondent (if the name of a respondent's appellate counsel is
3 unknown, indicate as much and provide the name and address of that
4 respondent's trial counsel):

5 **STEVEN WOLFSON**
6 **CLARK COUNTY DISTRICT ATTORNEY**
7 **MICHAEL GILES**
8 **DEPUTY DISTRICT ATTORNEY**
9 **200 Lewis Avenue, Third Floor**
10 **Las Vegas, Nevada 89101**
11 **Telephone: (702) 671-3847**
12 **Facsimile: (702) 385-1687**
13 **E-mail: Michael.Giles@clarkcountynvda.com**

- 14 5. Indicate whether any attorney identified above in response to question 3 or 4 is
15 not licensed to practice law in Nevada and, if so, whether the district court
16 granted that attorney permission to appear under SCR 42 (attach a copy of any
17 district court order granting such permission):

18 **Not applicable**

- 19 6. Indicate whether appellant was represented by appointed or retained counsel
20 in the district court:

21 **Retained**

- 22 7. Indicate whether appellant is represented by appointed or retained counsel on
23 appeal:

24 **Defendant/Appellant is represented by retained counsel on**
25 **appeal**

- 26 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and
27 the date of the entry of the district court order granting such leave:

28 **Not applicable**

9. Indicate the date the proceedings commenced in the district court (e.g., date
complaint, indictment, information or petition was filed.):

Information was filed on July 9, 2018; An Amended
Information was filed on July 10, 2018; A Second Amended
Information was filed on June 24, 2019.

10. Provide a brief description of the nature of action and result in district court, including the type of judgment or order being appealed and the relief granted by the district court:

Appellant filed a Motion in Arrest of Judgment challenging the Second Amended Information's failure to charge an offense and confer jurisdiction on the District Court.

Appellant filed a Motion to Withdraw his *Alford* Plea.

The District Court denied both of Appellant's Motions.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

No

12. Indicate whether this appeal involves child custody or visitation:

It does not

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Not applicable

DATED this 6th day of December, 2019.



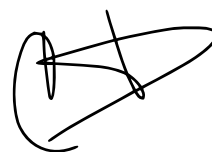
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of December, 2019, that I electronically filed the foregoing Notice with the Clerk of the Court by using the electronic filing system.

The following participants in this case are registered electronic filing system users and will be served electronically:

Michael Giles – District Attorney
michael.giles@clarkcountyda.com
200 Lewis Avenue
Third Floor
Las Vegas, Nevada 89101



Chris Barden, an employee
of Pariente Law Firm, P.C