

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLENN DOOLIN

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Electronically Filed
Dec 16 2019 01:47 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Docket No. 80223

Direct Appeal From Order Denying Defendant's Motion to Modify Sentence
Eighth Judicial District Court
The Honorable Kathleen Delaney, District Judge
District Court No. C-12-284106-1

MOTION TO TRANSFER CASE TO FAST TRACK PROGRAM

JoNell Thomas #4771
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Attorneys for DOOLIN

COMES NOW, Appellant Glenn Doolin, by and through his attorneys JoNell Thomas, Special Public Defender and W. Jeremy Storms, Chief Deputy Special Public Defender, and submits this Motion to Transfer Case to Fast Track Program and said case would be subject to rules under Nevada Rules of Appellate Procedure 3C. This motion is based on the Declaration of Counsel attached hereto.

DATED December 16, 2019.

/s/ W. JEREMY STORMS

JoNell Thomas
W. Jeremy Storms
Nevada Bar No. 10772

MEMORANDUM OF POINTS AND AUTHORITIES

Appellant Doolin filed a motion in the district court requesting the court modify the sentence he received under the Judgment of Conviction filed May 26, 2013, as to Count 2 only. As of the date of his parole in October 2019, Mr. Doolin had already served more than seven (7) years of his sentence for Count 1, Category C felony of Grand Larceny Auto, and therefore, the only sentence subject to the motion was Count 2, the gross misdemeanor Possession of Burglary Tools.

The appeal was docketed December 16, 2019, and it appears that the clerk filed the instant matter subject to full briefing rather than under the fast track program. The clerk has advised that she filed this brief based on the Judgment of

Conviction and when advised that the appeal was only concerning the gross misdemeanor count, she stated that a motion would need to be filed to transfer the case to the fast track program.

NRAP 3C(a)(3) states in relevant portion that “...an appeal is not subject to this Rule if: (A) the appeal **challenges** an order or judgment in a case involving ... non-probationable category C felony.....” (emphasis added)

In the instant matter, Doolin is not challenging the Category C felony conviction in the Judgment of Conviction (for which he has already served his time). Rather, he is only challenging the Court’s order denying his Motion to Modify Sentence as to Count 2, the gross misdemeanor.

Appellant Doolin requests this Court transfer this matter back to the Fast Track Program and reset the briefing schedule pursuant to NRAP 3C.

DATED December 16, 2019.

Respectfully Submitted.

/s/ W. JEREMY STORMS

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DECLARATION OF NAVID AFSHAR

NAVID AFSHAR, hereby declares as follows:

1. That I am an attorney duly licensed to practice law in the State of Nevada, and the Appellate Deputy with the Clark County Special Public Defender's Office.
2. Mr. Storms is currently in trial, therefore, I am assisting with the instant motion to transfer this case to the fast track program under NRAP 3C.
3. Based on information and belief, Mr. Storms filed a motion in the district court to modify Mr. Doolin's sentence as to Count 2, only, of the Judgment of Conviction which related to the gross misdemeanor.
4. Mr. Doolin, served his time as to Count 1, the Category C felony and at the time of filing had yet to begin serving his time as to Count 2, the gross misdemeanor. Mr. Storms filed his motion and at the time of hearing of the motion, Mr. Doolin had begun serving time in the Clark County Detention Center.
5. It was requested that the Court modify the sentence to probation so that Mr. Doolin, who is 60 years old, could begin treatment at the Samaritan House in Las Vegas.
6. The Court denied the motion and this appeal follows.
7. The appeal is only challenging the Court's order denying the motion to modify

the sentence as to Count 2, the gross misdemeanor, and therefore it is counsel's belief that the instant case is subject to this Court's fast track program.

8. Mr. Storms is requesting this case be transferred back to the fast track program, and the briefing schedule be reset by the Court pursuant to NRAP 3C.

I declare that I make this request in good faith and not for purposes of delay.

/s/ NAVID AFSHAR

NAVID AFSHAR

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on 12/16/19, a copy of the foregoing Motion was served as follows:

BY ELECTRONIC FILING TO

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City NV 89701

/s/ *W. JEREMY STORMS*

W. JEREMY STORMS