IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

TYERRE LANELL WHITE-HUGHLEY, A/K/A TYERRE LANELL WHITE,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 80549

Electronically Filed
Feb 20 2020 04:50 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DOCKETING STATEMENT
CRIMINAL APPEALS

(Including appeals from pretrial and post-conviction rulings and other requests for post-conviction relief)

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions.

Docket 80549 Document 2020-07080

1. Judicial District Eighth County Clark

Judge David Jones District Ct. Case No. C344519

2. If the defendant was given a sentence,

(a) what is the sentence?

A term of twelve (12) to thirty (30) months in the Nevada Department of Corrections, concurrent with C344122. Defendant was granted zero (0) days of 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 ☐ ?

4. **Attorney filling this docketing statement:**

Attorney Dewayne Nobles Telephone (702) 641-6001

Firm Nobles & Yanez Law Firm

Address: 324 S. Third St., Ste. #2
Las Vegas, NV 89101

Client(s) Tyerre Lanell White-Hughley

5. Is appellate counsel appointed ☒ or retained ☐ ?

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.

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

Attorney Steven B. Wolfson Telephone (702) 671-2500

Firm Clark County District Attorney

Address: 200 Lewis Ave.
Las Vegas, NV 89101

Client(s) State of Nevada

Attorney Aaron Ford Telephone (775) 687-3538

Firm Nevada Attorney General

Address: 100 N. Carson St.
Carson City, NV 89701

Client(s) State of Nevada

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below:

- ☐ Judgment after bench trial
- ☐ Judgment after jury verdict
- ☒ Judgment upon guilty plea
- ☐ Grant of pretrial motion to dismiss
- ☐ Parole/probation revocation
- ☐ Motion for new trial
  - ☐ grant ☐ denial
- ☐ Motion to withdraw guilty plea
  - ☐ grant ☐ denial
- ☐ Grant of pretrial habeas
- ☐ Grant of motion to suppress evidence
- ☐ Post-conviction habeas (NRS ch. 34)
  - ☐ grant ☐ denial
- ☐ Other disposition (specify):

8. **Does this appeal raise issues concerning any of the following:**

- ☐ death sentence
- ☐ life sentence
- ☐ juvenile offender
- ☐ 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

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., separate appeals by co-defendants, appeal after post-conviction proceedings):

None.

11. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

None.

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

Defendant was arrested on October 1, 2019, and subsequently charged in District Court with Invasion of the Home. Defendant accepted a negotiation offered by the State of Nevada wherein he pled guilty to the charge of Invasion of the Home. Pursuant to the negotiations, both parties stipulated to recommend a sentence of twelve (12) to thirty (30) months in the Nevada Department of Corrections. Additionally, the State had no opposition to concurrent time with Case No. C-19-344122-1. Defendant was sentenced on January 7, 2020 to a term of twelve (12) to thirty (30) months in the Nevada Department of Corrections, concurrent with C-19-344122-1. At the sentencing hearing, Defendant requested a total of 99 days of credit for time served. However, the District Court granted zero (0) days of credit for time served.

13. **Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

(1) Did the District Court err in granting Appellant zero (0) days of credit for time served and not the requested amount of 99 days?

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

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:

The matter is NOT presumptively retained by the Supreme Court, but is presumptively assigned to the Court of Appeals, as this matter involves an appeal from a judgment of conviction based on a plea of guilty. See NRAP 17(b)(1).

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?

N/A days

18. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

☒ Yes ☐ No

TIMELINESS OF NOTICE OF APPEAL

19. Date district court announced decision, sentence or order appealed from 01/07/2020

20. Date of entry of written judgment or order appealed from 01/15/2020

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

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

(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,

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment N/A Date filed _____

New trial (newly discovered evidence) N/A Date filed _____

New trial (other grounds) N/A Date filed _____

(b) Date of entry of written order resolving motion _____

23. Date notice of appeal filed February 4, 2020

24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other

NRAP 4(b)

SUBSTANTIVE APPEALABILITY

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

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.560(2) _____
NRS 177.015(3) XX	Other (specify) _____
NRS 177.055 _____	

VERIFICATION

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

Tyerre Lanell White-Hughley	Dewayne Nobles
Name of appellant	Name of counsel of record
February 19, 2020	/s/ Dewayne Nobles, Esq.
Date	Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 19th Feb. day of 20 20 , I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

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

Steven B. Wolfson, Esq., Clark County District Attorney, 200 Lewis Ave., Las Vegas, NV 89101

Aaron Ford, Esq., Nevada Attorney General, 100 N. Carson St., Carson City, NV 89701

Dated this 19th day of February , 20 20 .

/s/ Dewayne Nobles, Esq.
Signature