

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTIAN STEPHON MILES,)
)
 Appellant,)
)
 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
 _____)

No. 80963

DOCKETING STATEMENT
CRIMINAL APPEALS

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

Electronically Filed
Apr 15 2020 07:36 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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.

1. Judicial District: Eighth County: Clark
Judge: Mary Kay Holthus District Ct. Case No. C-15-306436-1

2. If the defendant was given a sentence,

(a) what is the sentence?

Count 1 (Sex Trafficking of a Child Under 18 Years of Age — Category A Felony): LIFE with MINIMUM Parole Eligibility of Sixty (60) Months;

Count 2 (First Degree Kidnapping — Category A Felony): LIFE with MINIMUM Parole Eligibility of Sixty (60) Months, CONSECUTIVE to Count 1;

Count 3 (Living from the Earnings of a Prostitute — Category D Felony): a MAXIMUM of FORTY-EIGHT (48) Months with a MINIMUM Parole Eligibility of NINETEEN (19) Months, CONSECUTIVE to Counts 1 & 2;

Count 4 (Child Abuse, Neglect, or Endangerment — Category B Felony): a MAXIMUM of SEVENTY-TWO (72) Months with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) Months, CONSECUTIVE to Counts 1, 2 & 3.

Miles was given FIVE HUNDRED FORTY-SIX (546) Days credit for time served.

His Aggregate Total sentence is LIFE with a MINIMUM Parole Eligibility of ONE HUNDRED SIXTY-SEVEN (163) Months.

Miles was also ordered to REGISTER as a sex offender in accordance with NRS 179D.460 with FORTY-EIGHT (48) Hours after any release from custody.

Lastly, Miles was ordered to pay the following fees: \$25 Administrative Fee; \$2,500 Administrative Assessment Fee per AB241; \$150 DNA Analysis Fee including testing to determine genetic markers; and \$3 DNA Collection Fee.

(b) has the sentence been stayed pending appeal? No

(c) was the defendant admitted to bail pending appeal? No

3. Was counsel in the district court appointed or retained?

Miles represented himself in the district court proceedings. Standby counsel was appointed, however, to help Miles if needed.

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

Attorney: Mario D. Valencia Telephone: (702) 384-7494

Firm: Mario D. Valencia, Attorney at Law, LLC

Address: 40 S. Stephanie St., Ste. 201, Henderson, NV 89012

Client(s): Christian Stephon Miles

5. Is appellate counsel appointed or retained? Appointed

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: Steve Wolfson Telephone: (702) 671-2500

Firm: Clark County District Attorney's Office

Address: 200 Lewis Avenue, Las Vegas, NV 89155-2212

Client(s): The State of Nevada

Attorney: Alexander Chen Telephone: (702) 671-2500

Firm: Clark County District Attorney's Office

Address: 200 Lewis Avenue, Las Vegas, NV 89155-2212

Client(s): The State of Nevada

(List additional counsel on separate sheet if necessary)

7. **Nature of disposition below:**

- | | |
|---|--|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Grant of pretrial habeas |
| <input checked="" type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant of motion to suppress evidence |
| <input type="checkbox"/> Judgment upon guilty plea | <input type="checkbox"/> Post-conviction habeas (NRS ch. 34) |
| <input type="checkbox"/> Grant of pretrial motion to dismiss | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> Parole/probation revocation | <input type="checkbox"/> Other disposition (specify): |
| <input type="checkbox"/> Motion for new trial | |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | |
| <input type="checkbox"/> Motion to withdraw guilty plea | |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | |

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

- | | |
|---|--|
| <input type="checkbox"/> death sentence | <input type="checkbox"/> juvenile offender |
| <input checked="" type="checkbox"/> life sentence | <input checked="" type="checkbox"/> 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 a 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):

Christian Stephon Miles v. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark; and the State of Nevada (No. 75839)

Christian Stephon Miles v. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark; and the State of Nevada (No. 75839-COA)

Christian A. Miles v. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark; and the Honorable Jennifer P. Togliatti, District Judge; and the State of Nevada (No. 77220)

Christian A. Miles v. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark; and the Honorable Jennifer P. Togliatti, District Judge; and the State of Nevada (No. 77220-COA)

Christian Stephon Miles v. The State of Nevada (No. 79554)

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

N/A

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

This is appeal from the entry of an Amended Judgment of Conviction, clarifying Miles' aggregate total sentence. The Amended Judgment of Conviction simply corrected a computation error by the district court. In Miles' original judgment of conviction — which he has appealed from and which is currently pending in the Nevada Supreme Court (No. 79554) — the district erroneously wrote his aggregate total sentence was 167 months to life. The district court corrected her mistake on March 26, 2020 by entering an Amended Judgment of Conviction, correctly stating his aggregate total sentence is 163 months to life. Miles appealed from the Amended Judgment of Conviction because he is still aggrieved by the sentences imposed, which did not change, and he has moved to consolidate this appeal (No. 80963) with his direct appeal from the original judgment of conviction (No. 79554).

Facts of the underlying crimes. This case dates back to February 8-13, 2015. The alleged victim was a minor at the time. She was 16 years old, almost 17 (DOB 3/2/1998). She was on juvenile probation at the time. On February 8, 2015, she sent a message on social media to Miles. Miles was 21 years old (DOB: 1/16/1994) at time. She told her juvenile probation officer that she asked Miles to take her to her grandmother's house. Instead, he pulled over to the side of the road, removed the GPS devise she had on her ankle, and drove her to a house in Henderson, Nevada. There she met "another female." Miles then drove both of the

females to “The Suites” where the other female got a room to use for them to engage in prostitution. Miles allegedly took pictures of the victim, which he posted on Craigslist to advertise her for prostitution related services.

Between February 9, 2015 and February 13, 2015, the victim allegedly had sex with four or five men. She was paid \$100 to \$200 each time. She claims she gave all the money to Miles. It was approximately \$700. Miles took the victim shopping during this time and bought her shoes. He also got her nails done.

On February 13, 2015, the victim said she called a friend of hers to come pick her up to get away from Miles. The friend picked her up shortly thereafter. The victim’s juvenile probation officer was then able to locate and arrest her for a probation violation. An investigation led to Miles’ arrest on March 24, 2015.

Procedural History and Result below. Miles was represented by appointed counsel at the beginning of this case, but he then chose to represent himself. Standby counsel was appointed to help him if needed. Miles pleaded not guilty. He engaged in extensive pretrial litigation. Ultimately, his case went to trial in April 2019. Following a seven-day jury trial, the jury convicted Miles on all four counts: Count 1 (sex trafficking of a child under 18 years of age), Count 2 (first degree kidnapping), Count 3 (living from the earnings of a prostitute), and Count 4 (child abuse, neglect, or endangerment). Miles was then sentenced as noted above in Question 2(a).

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

Miles’ direct appeal from the Judgment of Conviction is pending in the Nevada Supreme Court (No. 79554). In that appeal, he is challenging the constitutionality of his sentences and whether his Sixth Amendment right to counsel was violated.

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:

Based on the issues Miles is raising in his direct appeal, he believes this case is presumptively retained by the Supreme Court because it raises issues of first impression involving the U.S. Constitution and/or of statewide public importance. *See* NRAP 17(a)(11), (12).

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?

7 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: March 26, 2020

20. Date of entry of written judgment or order appealed from: March 26, 2020

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

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 ___.

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 _____ Date filed _____

New trial (newly
discovered evidence) _____ Date filed _____

New trial (other grounds) _____ Date filed _____

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

23. Date notice of appeal filed: April 2, 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)(1) & (2)

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) <u>X</u>	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.

Christian Stephon Miles
Name of appellant

Mario D. Valencia
Name of counsel of record

April 15, 2020
Date

/s/ Mario D. Valencia
Signature of counsel of record

CERTIFICATE OF SERVICE

I HEREBY CERTIFY AND AFFIRM that this document was filed electronically with the Nevada Supreme Court on April 15, 2020. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

ALEXANDER CHEN
Chief Deputy District Attorney

/s/ Mario D. Valencia
MARIO D. VALENCIA