

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Electronically Filed
Sep 30 2020 09:33 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

RICHARD ABDIEL SILVA,

No. 81627

Appellant,

vs.

THE STATE OF NEVADA,

DOCKETING STATEMENT

Respondent.

GENERAL INFORMATION

1. Judicial District: **Second** County: **Washoe**
Judge: **David A. Hardy, D6** Dist. Ct. Docket No.: **CR18-1135B**
2. If the defendant was given a sentence,
 - (a) what is the sentence?
Life with possibility of parole after 20 years, plus a consecutive sentence of 60 months to 240 months in prison for the deadly weapon enhancement.
 - (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?
Trial counsel **Teresa Ristenpart** was **appointed**.
4. Attorney filing this docketing statement:
Attorney: **Thomas L. Qualls, Esq.**
Firm: **Law Office of Thomas L. Qualls, Esq.**
Address: **720 Tahoe Street, Suite B, Reno, Nevada 89501**
Telephone: **775.333.6633**
Client(s): **RICHARD ABDIEL SILVA, Appellant.**

5. Is appellate counsel appointed ☒ or retained ☐ ?

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

Attorney: **Deputy Appellate Attorney**

Firm: **Washoe County District Attorney's Office**

Address: **Post Office Box 11130; Reno, Nevada 89520**

Telephone: **775-337-5750**

Client(s): **The State of Nevada, Respondent.**

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below: **Conviction after jury trial.**

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

☐ 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? 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): **n/a**

11. **Pending and prior proceedings in other courts.** List the case name, number, and court of all pending and prior proceedings in other court 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:
Appellant was charged with Murder with the Use of a Deadly Weapon. After a 6 day jury trial, Silva was found guilty of both the murder and the weapons enhancement. This appeal follows.

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:
One or more errors of Constitutional magnitude. Counsel reserves the right to add specific claims in Appellant's Opening Brief after Counsel has fully reviewed the case file and transcripts.

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. **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 ☐ Uncertain at this time ☒

Public interest: Yes ☐ No ☐ Uncertain at this time ☒

16. **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?
6 days

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

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence, or order appealed from **August 03, 2020.**

19. Date of entry of written judgment or order appealed from **August 07, 2020.**

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

20. If this appeal is from an order granting or denying a petition for writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court: **n/a.**

21. If the time for filing the notice of appeal was tolled by a post judgment motion,

(a) Specify the type of motion and date of filing of the motion: **n/a**

(b) Date of entry of written order resolving motion: **n/a**

22. Date notice of appeal filed **August 11, 2020.**

23. Specify statute or rule governing the time limit for filing the notice of

1 appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or
2 other: **NRAP 4(b)**

3 **24.**Specify statute, rule or other authority that grants this court
4 jurisdiction to review from: **NRS 177.015(3)**

5
6 **AFFIRMATION PURSUANT TO NRS 239B.030**

7 The undersigned does hereby affirm that the preceding document
8 does not contain the social security number of any person.

9
10 **VERIFICATION**

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

13 Respectfully submitted this 30 September 2020.

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15 /s/ Thomas L. Qualls
16 THOMAS L. QUALLS, ESQ.
17 Attorney for Appellant,
18 RICHARD ABDIEL SILVA
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NEFR 9, I certify that I am an employee of the Law Office of Thomas L. Qualls, Ltd., that I am over the age of 18 years and not a party to the within action. I am familiar with the practice of the office regarding the service of documents via facsimile, U.S. mail and electronic mail and that, in accordance with the standard practice, I caused a true and correct copy of this ***DOCKETING STATEMENT*** to be served on the parties below via the following method(s):

 x Via the Nevada Supreme Court's electronic filing system upon all counsel of record

Dated this September 30, 2020.

 /s/ Thomas L. Qualls
Thomas L. Qualls