

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 79554

DOCKETING STATEMENT
CRIMINAL APPEALS
Electronically Filed
Oct 12 2019 03:44 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
(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.

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 (167) 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: Steven Owens 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)

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:

These facts are taken from the Supplemental Presentence Investigation Report (PSI) prepared on September 10, 2019, because undersigned counsel is not yet familiar with the facts and legal issues in this case. Miles represented himself in the district court proceedings, and undersigned counsel was just recently appointed to represent Miles on appeal.

Facts. 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 device 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):

Undersigned counsel cannot say what specific issues will be raised on appeal at this point in time. Miles represented himself in the district court proceedings. He had standby counsel to help if needed. Miles pleaded not guilty and took his case to trial. The trial lasted seven days. The jury convicted Miles on all four counts he was facing: (1) sex trafficking of a child under 18 years of age, (2) first degree kidnapping, (3) living from the earnings of a prostitute, and (4) child abuse, neglect, or endangerment. Miles was then sentenced as indicated above.

Undersigned counsel was only recently appointed as appellate counsel for Miles. Undersigned counsel is not familiar with the facts and legal issues in this case. He is still in the process of gathering Miles' file materials, including the discovery, motions, oppositions, replies, court minutes, court orders, jury instructions, verdict, and judgment filed in the district court proceedings, as well as the transcripts of pretrial hearings, the trial, and sentencing hearings. Undersigned counsel must then review, analyze, and process all of this information to become thoroughly familiar with the facts and legal issues in the case. Only then, will undersigned counsel be in a position to specify all the issues in this appeal.

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:

This case is not presumptively retained by the Supreme Court. *See* NRAP 17(a)(1) - (12). It also is not presumptively assigned to the Court of Appeals because it is an appeal from a judgment of conviction based on a jury verdict that involves category A and B felonies (i.e., sex trafficking of a child under 18 years of age, first degree kidnapping, and child abuse, neglect, or endangerment). *See* NRAP 17(b)(2)(A).

Miles believes the Supreme Court should retain this appeal because it is not presumptively assigned to the Court of Appeals. It is an appeal from a jury verdict. It involves category A and B felonies. NRAP 17(b)(2)(A). Miles is challenging more than just the sentence imposed and/or the sufficiency of the evidence. NRAP 17(b)(2)(B). Miles is serving four consecutive sentences, two of which are 60 to LIFE.

Miles represented himself in the district court proceedings. There was extensive pretrial litigation, and a trial that lasted seven days. Severe sentences were imposed. Thus, there may well be issues of first impression or of important

public interest raised in this appeal, undersigned counsel just can't say for sure right now. *See* Qt. 13, above, and the response.

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

Note: Undersigned counsel cannot answer this question right now. *See* Qt. 13 above and the response.

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: September 3, 2019

20. Date of entry of written judgment or order appealed from: September 5, 2019

(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: September 3, 2019

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

October 12, 2019
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 October 12, 2019. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

STEVEN OWENS
Chief Deputy District Attorney

ALEXANDER CHEN
Deputy District Attorney

/s/ Mario D. Valencia
MARIO D. VALENCIA