

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

THE STATE OF NEVADA,
Appellant,

vs.

TARIQ MANSON,
Respondent.

No. 82038 Electronically Filed
Nov 18 2020 02:08 p.m.
DOCKETING STATEMENT
CRIMINAL APPEALS
TARIEKA 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 Linda Marie Bell District Ct. Case No. C-18-335833-1

2. If the defendant was given a sentence,

(a) what is the sentence? N/A

(b) has the sentence been stayed pending appeal?

(c) was defendant admitted to bail pending appeal?

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

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

Attorney Alexander Chen Telephone (702) 671-2750

Firm Office of the Clark County District Attorney

Address: Regional Justice Center, 200 Lewis Ave., P.O. Box 552212
Las Vegas, Nevada 89155

Client(s) The State of Nevada

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 Claudia Romney Telephone (702) 455-3792

Firm Clark County Public Defender's Office

Address: 309 S. Third Street, #226
Las Vegas, Nevada 89101

Client(s) Tariq Manson

Attorney Daniel Page Telephone (702) 455-1038

Firm Clark County Special Public Defender's Office

Address: 330 South 3rd Street, Suite 800
Las Vegas, Nevada 89101

Client(s) Tariq Manson

(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 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 checked="" type="checkbox"/> Other disposition (specify): |
| <input type="checkbox"/> Motion for new trial | |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | Order of dismissal from finding of incompetency. |
| <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 | N/A |
| <input type="checkbox"/> life sentence | <input 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 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 courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

State of Nevada v. Tariq Manson, 18f05844x, Justice Court

State of Nevada v. Tariq Manson, C-18-335833-1, EJDC

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

Tariq Manson was arrested and charged with 1 Count of Sexual Assault with a minor Under Age of 14 & 3 Counts of Lewdness with a Child Under Age 14. Manson was sent to a mental health treatment facility and evaluated by three doctors as competent. Manson challenged the finding and on October 6, 2020, the court issued a decision and order finding Manson incompetent without possibility of restoration and dismissed the case without prejudice.

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

The District Court abused its discretion when it applied an erroneous standard in dismissing the criminal case.

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 matter is presumptively retained by the Supreme Court because it raises a principal issue of a question of first impression and statewide public importance.

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?

_____ days

N/A

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 Sept. 22, 2020

20. Date of entry of written judgment or order appealed from Oct. 6, 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 ☒ N/A

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: N/A

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 Nov. 5, 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)	<u>X</u>	NRS 34.560	<u></u>
NRS 177.015(1)(c)	<u></u>	NRS 34.575(1)	<u></u>
NRS 177.015(2)	<u></u>	NRS 34.560(2)	<u></u>
NRS 177.015(3)	<u></u>	Other (specify)	<u></u>
NRS 177.055	<u></u>		

VERIFICATION

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

The State of Nevada
Name of appellant

Alexander Chen

Name of counsel of record

November 18, 2020
Date

/s/ Alexander Chen
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 18th day of ^{Nov.} 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):

X - Through the Nevada Supreme Court electronic filing service in accordance with the Master Service List as follows: AARON D. FORD, NV AG; CLAUDIA ROMNEY, DANIEL PAGE, Counsels for Respondent; ALEXANDER CHEN, Chief Deputy District Attorney.

Dated this 18th day of November, 2020

/s/ E. Davis
Signature