

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Rickie Slaughter, Appellant,

v.

Charles Daniels, et al., Respondents.

No. 82602

Electronically Filed
Mar 23 2021 10:32 a.m.

DOCKETING STATEMENT
CRIMINAL APPEALS
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 Hon. Tierra Jones District Ct. Case No. A-20-812949-W

2. If the defendant was given a sentence,

(a) what is the sentence?

Aggregate sentence of 39 years to life.

(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 Jeremy C. Baron Telephone (702) 388-6577

Firm Federal Public Defender, District of Nevada

Address: 411 E. Bonneville Ave. Suite 250

Las Vegas, NV 89101

Client(s) Rickie Slaughter

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 Karen Mishler Telephone (702) 617-2500

Firm Clark County District Attorney's Office

Address: 200 Lewis Ave.
Las Vegas, NV 89101

Client(s) Renee Baker, et al.

Attorney _____ Telephone _____

Firm _____

Address: _____

Client(s) _____

(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 checked="" type="checkbox"/> Post-conviction habeas (NRS ch. 34) |
| <input type="checkbox"/> Grant of pretrial motion to dismiss | <input type="checkbox"/> grant <input checked="" 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 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):

Slaughter v. State, Case Nos. 48742, 52385, 61991, 68532, 70676, 78760

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 v. Slaughter, Eighth Judicial District Court, Case No. C204957

Slaughter v. Baker, et al., U.S. District Court, District of Nevada, Case No.

3:16-cv-00721-RCJ-WGC

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

This is an appeal from the denial of Mr. Slaughter's counseled post-conviction petition for a writ of habeas corpus.

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

Whether the district court erred in dismissing Mr. Slaughter's petition based on procedural bars. A list of the claims for relief Mr. Slaughter included in his petition is attached at Appendix A to this docketing statement.

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:

Because this post-conviction appeal involves convictions for Category A felonies, this appeal is not presumptively assigned to the Court of Appeals. See Nev. R. App. P. 17(b)(3). This Court should retain jurisdiction of this appeal because it involves important issues regarding, among other things, innocence, and how the procedural bars apply to claims involving newly discovered evidence that the State previously withheld.

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

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 Nov. 6, 2020

20. Date of entry of written judgment or order appealed from February 8, 2021

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

For question 21: The district court mailed a written notice of entry of order on February 12, 2021.

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 _____ 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 March 5, 2021

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); NRS 34.575.

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) <u>X</u> _____
NRS 177.015(2) _____	NRS 34.560(2) _____
NRS 177.015(3) _____	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.

Rickie Slaughter

Name of appellant

Jeremy C. Baron

Name of counsel of record

March 23, 2021

Date

/s/Jeremy C. Baron

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the Mar. 23 day of 20 21 , 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):

Alexander Chen
200 Lewis Ave.
Las Vegas, NV 89101

cc: Aaron Ford c/o Erica Berrett
555 E. Washington Ave. Suite 3900
Las Vegas, NV 89101

Dated this 23rd day of March , 20 21 .

/s/Jeremy C. Baron

Signature

APPENDIX A

CLAIMS FOR RELIEF RAISED IN PETITION

Ground One: The victims' in-court identifications of Mr. Slaughter stemmed from the State's use of an impermissibly suggestive photographic lineup, in violation of Mr. Slaughter's rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Two: Trial counsel failed to introduce foundational evidence regarding Mr. Slaughter's alibi, in violation of Mr. Slaughter's rights under the Sixth and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Three: Trial counsel failed to fully cross examine and impeach the State's witnesses, in violation of Mr. Slaughter's rights under the Sixth and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Four: Trial counsel failed to call additional witnesses to provide exculpatory testimony, in violation of Mr. Slaughter's rights under the Sixth and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Five: Trial counsel failed to deliver on promises made during opening statements, in violation of Mr. Slaughter's rights under the Sixth and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Six: Trial counsel failed to object to prosecutorial misconduct, in violation of Mr. Slaughter's rights under the Sixth and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Seven: The State committed prosecutorial misconduct during closing arguments, in violation of Mr. Slaughter's rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Eight: The State admitted hearsay evidence that denied Mr. Slaughter his ability to confront the witnesses against him, in violation of Mr. Slaughter's rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Nine: Direct appeal counsel failed to raise meritorious issues, in violation of Mr. Slaughter's rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Ten: The prosecutors exercised a racially motivated peremptory challenge, in violation of Mr. Slaughter's rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.

Ground Eleven: The prosecutors failed to disclose material, exculpatory information, made relevant misrepresentations in open court, and failed to correct false testimony, in violation of Mr. Slaughter's rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, as well as under Article 1, Section 8, of the Nevada Constitution.