

1 DANIEL E. MARTINEZ, ESQ.
Nevada Bar No. 12035
2 **OFFICE OF THE SPECIAL PUBLIC DEFENDER**
330 S. Third St., Suite 800
3 Las Vegas, Nevada 89101
4 Telephone: 702-455-0212
Facsimile: 702-455-6273
5 Email: daniel.martinez@clarkcountynv.gov
Attorney for Defendant/Appellant

Electronically Filed
Jul 27 2021 10:34 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

8 THE STATE OF NEVADA,
9 Plaintiff/Respondent

District Court Case No. CR20-0092

10 vs.

Department No. 1

11 MARCO ANTONIO TORRES,
Defendant/Appellant

Supreme Court Case No: 83216

12
13 **DOCKETING STATEMENT**
14 **CRIMINAL APPEALS**

15 1. **Judicial District:** Fifth Judicial District **County:** Nye County

16 **Judge:** Judge Kimberly Wanker

District Court Case No.: CR20-0092

17 2. **If the defendant was given a sentence,**

18 a. **What is the sentence?**

19 Second Degree Murder

20 Life in Prison with parole eligibility beginning when a minimum of 10 years has been
21 served.

22 b. **Has the sentence been stayed pending appeal?**

23 No.

24 c. **Was the defendant admitted to bail pending appeal?**

25 No.

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27 3. **Was counsel in the district court appointed or retained? Appointed.**
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4. Attorney filing this docketing statement:

Attorney: Daniel E. Martinez, Esq., Bar No. 12035 Telephone: (702) 455-0212
Firm: Office of the Special Public Defender
Address: 330 S. Third St., Suite 800, Las Vegas, NV 89101
Client(s): Marco Antonio Torres

5. Is appellate counsel appoint or retained? Appointed (same as district court counsel).

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. Not Applicable.

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

Attorney: Nye County District Attorney, Chris R. Arabia, Esq. & Chief Criminal Deputy
District Attorney Kirk D. Vitto, Esq.
Telephone: (775) 751-7080
Firm: Nye County District Attorney
Address: 1520 E. Basin Avenue, Suite 107, Pahrump, Nevada 89060.
Client(s): State of Nevada

7. Nature of disposition below:

Judgment upon guilty plea.

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

Death Sentence? No
Life Sentence? Yes
Juvenile Offender? No
Pretrial Proceedings? No

1 **9. Expedited Appeals:** The court may decide to expedite the appellate process in the matter. Are
2 you in favor of proceeding in such a manner? No.

3 **10. Pending and prior proceedings in this court.** List the case name and docketing number of all
4 appeals or original proceedings presently or previously pending before this court which are
5 related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction
6 proceedings): None.

7
8 **11. Pending and prior proceedings in other courts.** List the case name, number and court of all
9 pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus
10 proceedings in state or federal court, bifurcated proceedings against co-defendants): None.

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

12 Appellant Marco Antonio Torres was charged with Count I First Degree Murder of a Vulnerable
13 Person, Count II Open Murder, Count III Invasion of the Home (Room), Count IV Battery by
14 Strangulation, Count V Abuse of a Vulnerable Person, Count VI Interception, Interruption or
15 Delay of Message Sent Over Telephone Line, Count VII Possession of a Dangerous Weapon,
16 and Count VIII Habitual Criminal on August 17, 2020. Prior to trial, Mr. Torres filed and argued
17 a motion to suppress evidence that the district court ultimately denied. Subsequently, on April
18 29, 2021, Mr. Torres pled guilty to the charge of Second Degree Murder and expressly
19 preserved his right to appeal the denial of his motion to suppress. Sentencing took place on June
20 25, 2021. After hearing arguments from both sides and victim impact statements, Judge Wanker
21 sentenced Mr. Torres to life in prison with parole eligibility beginning after a minimum of 10
22 years have been served.

23
24
25 **13. Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as
26 necessary):

- 27 • The District Court committed error when it denied the Appellant's motion to suppress.

1 **14. Constitutional issues:** If the State is not a party and if this appeal challenges the
2 constitutionality of a statute or municipal ordinance, have you notified the clerk of this court
3 and the attorney general in accordance with NRAP 44 and NRS 30.130?

4 Not Applicable.

5 **15. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth
6 whether the matter is presumptively retained by the Supreme Court or assigned to the Court of
7 Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls.
8 If appellant believes that the Supreme Court should retain the case despite its presumptive
9 assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant
10 retaining the case, and include an explanation of their importance or significance:

11 This matter should presumptively be assigned to the Court of Appeals under NRAP 17(b)(1),
12 “Appeals from a judgment of conviction based on a plea of guilty, guilty but mentally ill, or
13 nolo contendere (Alford).”
14

15 **16. Issues of first impression or of public interest.** Does this appeal present a substantial legal
16 issue of first impression in this jurisdiction or one affecting an important public interest?

17 First impression: No.

18 Public interest: No.

19 **17. Length of trial.** If this actin proceeded to trial or evidentiary hearing in the district court, how
20 many days did the trial or evidentiary hearing last?

21 Not applicable.

22 **18. Oral argument.** Would you object to submission of this appeal for disposition without oral
23 argument? No.

24 TIMELINESS OF NOTICE OF APPEAL

25 **19. Date district court announced decision, sentence or order appealed from:** June 25, 2021.

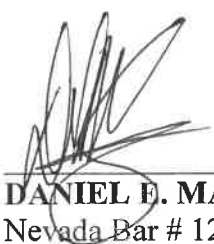
26 **20. Date of entry of written judgment or order appealed from:** June 25, 2021.

- 1 a. If no written judgment or order was filed in the district court, explain the basis for
2 seeking appellate review: Not applicable.
- 3 21. If this appeal is from an order granting or denying a petition for a writ of habeas corpus,
4 indicate the date written notice of entry of judgment: Not applicable.
- 5 22. If the time for filing the notice of appeal was tolled by a post judgment motion
6 a. Specify the type of motion, and the date of filing of the motion: Not applicable.
7 b. Date of entry of written order resolving motion: Not applicable.
- 8 23. Date notice of appeal filed: July 6, 2021.
- 9 24. Specify statute or rule governing the time limit for the filing the notice of appeal: NRAP
10 4(b).
11
- 12 25. Specify statute, rule or other authority that grants this court jurisdiction to review from:
13 NRS 177.015(3).
14

15
16 **VERIFICATION**

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

19 DATED this 27th day of July, 2021.

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21 
22 **DANIEL E. MARTINEZ, ESQ.**
23 Nevada Bar # 12035
24 330 S. Third St., Suite 800
25 Las Vegas, Nevada 89101
26 Telephone: 702-455-0212
27 *Attorney for Defendant/Appellant*
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 27th day of July, 2021, I, DANIEL E. MARTINEZ, ESQ., served the
3 foregoing DOCKETING STATEMENT by depositing a copy in the U.S. Mail, first-class postage
4 prepaid, addressed to the following person(s) at the following address(es):
5

6 **NYE COUNTY DISTRICT ATTORNEY**
7 Chris R. Arabia, Esq., District Attorney
8 Kirk D. Vitto, Esq., Chief Deputy District Attorney
1520 East Basin Avenue, Suite 107
Pahrump, Nevada 89060

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11 
12 DANIEL E. MARTINEZ, ESQ.
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