

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

NICHOLAS ROCCO TAGLIAMONTE,
Appellant,

vs.
THE STATE OF NEVADA,
Respondent

No. 83325 Electronically Filed
Oct 18 2021 11:17 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DOCKETING STATEMENT
CRIMINAL APPEALS**

(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 Second County Washoe

Judge David A. Hardy District Ct. Case No. CR21-0636

2. If the defendant was given a sentence,

(a) what is the sentence?

60 months in prison with parole eligibility after service of 24 months in prison to run consecutively to CR20-0117.

(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 Karla K. Butko Telephone 775-786-7118

Firm Karla K. Butko, Ltd.

Address: P. O. Box 1249
Verdi, NV 89439

Client(s) Nicholas Rocco Tagliamonte

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 Chris Hicks/ Jennifer Noble Telephone 775-328-3200

Firm Washoe County District Attorney's Office

Address: 1 South Sierra Street, Fourth Floor
Reno, NV 89501

Client(s) The State of Nevada

Attorney _____ Telephone _____

Firm _____

Address:

Client(s) _____

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below:

- | | |
|--|--|
| ☐ Judgment after bench trial | ☐ Grant of pretrial habeas |
| ☐ Judgment after jury verdict | ☐ Grant of motion to suppress evidence |
| ☒ Judgment upon guilty plea | ☐ Post-conviction habeas (NRS ch. 34) |
| ☐ Grant of pretrial motion to dismiss | ☐ grant ☐ denial |
| ☐ Parole/probation revocation | ☐ Other disposition (specify): |
| ☐ Motion for new trial | |
| ☐ grant ☐ denial | |
| ☐ Motion to withdraw guilty plea | |
| ☐ grant ☐ denial | |

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):

Nicholas Rocco Tagliamonte v. State Docket 83324 (companion case)

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):

Second Judicial District Court cases CR20-0117 & CR21-0636
(A motion to consolidate appeals will be filed as well).

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

Mr. Tagliamonte pled guilty to one count of sales of a controlled substance in companion case CR20-0117. He elected treatment and was sent to the drug court specialty court of Washoe County. He was re-arrested on another drug charge and his specialty court election was revoked. He was sentenced to prison time on that case. Mr. Tagliamonte pled guilty to one count of sales of a controlled substance in this case. He was sentenced to consecutive prison terms by the district court. This appeal follows the sentences.

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

1. The District Court abused its discretion when it sentenced Mr. Tagliamonte to prison.
2. The District Court abused its discretion when it ordered the two sentences to be served consecutively.
3. The District Court abused its discretion when it failed to aggregate the sentences in the two cases.

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 appeal is properly docketed at the Court of Appeals per NRAP 17.

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?

0 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 June 28, 2021

20. Date of entry of written judgment or order appealed from June 29, 2021

(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 ☐

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 July 30, 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)

Note: This Court issued an order allowing the appeals to go forward.

SUBSTANTIVE APPEALABILITY

25. Specify statute, rule or other authority that grants this court jurisdiction to review from:

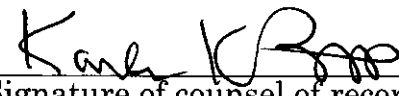
NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.560(2) _____
NRS 177.015(3) <u>XX</u> _____	Other (specify) _____
NRS 177.055 _____	

VERIFICATION

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

Nicholas Rocco Tagliamonte
Name of appellant

October 18, 2021
Date

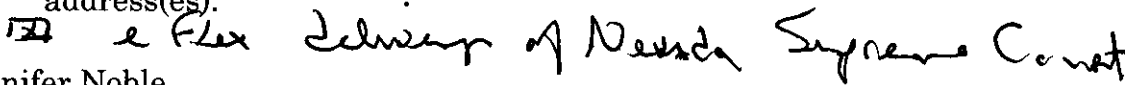
Karla K. Butko
Name of counsel of record

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the Oct 18 day of 20 21, I served a copy of this completed docketing statement upon all counsel of record:

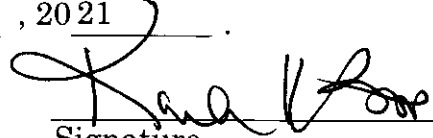
☐ By personally serving it upon him/her; or

☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es):



Jennifer Noble
Washoe County District Attorney's Office
1 South Sierra, Fourth Floor
Reno, NV 89501

Dated this 18th day of October, 2021.


Signature