

1  
2  
3 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed  
Dec 14 2021 04:46 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

4  
5 STEVEN PENN GEIL,

6 Appellant,

Case No. 83831

7 vs.

8 STATE OF NEVADA,

9 Respondent.

10  
11 **DOCKETING STATEMENT**

12 COMES NOW Appellant STEVEN PENN GEIL, by and through his  
13 Attorney of Record Alexandra M. Dyer, Esq., and submits the following  
14 DOCKETING STATEMENT in accordance with NRAP 14(c).  
15

16 **General Information**

17  
18 1. Judicial District: Third County: Lyon  
19 Judge: Aberasturi Dist. Court Case No. 21-CR-00908  
20

21 2. If the defendant was given a sentence,

22 a) what is the sentence?

23 The appellant was sentenced to eighteen (18) to sixty (60) months in the  
24 Nevada Department of Corrections to run consecutively to the Second Judicial  
25 District Court Cases CR21-0812 and CR19-00975.  
26

27 b) has the sentence been stayed pending appeal?  
28

1       **The sentence was NOT stayed pending appeal.**

2       c) was defendant admitted to bail pending appeal?

3  
4       **The defendant was NOT admitted to bail pending appeal.**

5       3. Was counsel in the district court **appointed**   X   or retained \_\_\_\_?

6  
7       4. Attorney filling out this docketing statement:

8           Alexandra M. Dyer, Esq.

9           (775) 525-2560

10          Orrin Johnson Law, a Division of Johnson Law Practice

11          611 Sierra Rose Drive, Suite A

12          Reno, NV 89511

13          Attorney for Appellant STEVEN PENN GEIL

14       5. Is appellate counsel **appointed**   X   or retained \_\_\_\_?

15       6. Attorneys representing respondent:

16           Aaron D. Ford, Esq.

17           Attorney General

18           100 North Carson Street

19           Carson City, NV 89701

20           and

21           Stephen B. Rye, Esq.

22           Lyon County District Attorney

23           31 Main Street

24           Yerington, NV 89447

25       7. Nature of disposition below:

26       \_\_\_ Judgment after bench trial

27       \_\_\_ Judgment after jury verdict

28         X   **Judgment upon guilty plea**

\_\_\_ Grant of pretrial habeas

\_\_\_ Grant of motion to suppress  
evidence

\_\_\_ Post-conviction habeas  
(NRS ch. 34)

1    \_\_\_ Grant of pretrial motion to dismiss    \_\_\_ grant    \_\_\_ denial  
2    \_\_\_ Parole/probation revocation    \_\_\_ Other disposition (specify):  
3    \_\_\_ Motion for new trial  
4    \_\_\_ grant    \_\_\_ denial  
5    \_\_\_ Motion to withdraw guilty plea  
6    \_\_\_ grant    \_\_\_ denial

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

8            \_\_\_ death sentence            \_\_\_ juvenile offender  
9            \_\_\_ life sentence            \_\_\_ pretrial proceedings

11    9. Expedited appeals: The court may decide to expedite the appellate process in  
12    this matter. Are you in favor of proceeding in such manner?

13              X   Yes            \_\_\_ No

15    10. Pending and prior proceedings in this court. List the case name and docket  
16    number of all appeals or original proceedings presently or previously pending  
17    before this court which are related to this appeal (e.g., separate appeals by co-  
18    defendants, appeal after post-conviction proceedings):

19            **None known.**

20    11. Pending and prior proceedings in other courts. List the case name, number, and  
21    court of all pending and prior proceedings in other courts that are related to this  
22    appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated  
23    proceedings against co-defendants):

24            **None known.**

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

26            Appellant pled guilty to Obtaining and Using Personal Identifying

27            Information of Another Person, a category C Felony as defined by NRS  
28

1 205.463. The agreement between the parties was that both parties agree to  
2 jointly recommend a sentence of 12-36 months in the Nevada Department  
3 of Corrections, and recommend that the sentence run concurrently with his  
4 current term of incarceration in Washoe County (Case numbers CR21-0812  
5 and CR19-0975). The District Court deviated significantly from this after  
6 hearing impalpable and/or highly suspect information at sentencing.  
7

8  
9 13. Issues on Appeal. State specifically all issues in this appeal:  
10

11 Whether the Court's sentence is improper because the judge relied on  
12 impalpable or highly suspect evidence.  
13  
14

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

18 **X** N/A

19 \_\_\_ Yes

20 \_\_\_ No  
21

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

1 Because this case involves an appeal from a judgment of conviction from a  
2 guilty plea to a Category C felony, this matter should be presumptively assigned to  
3 the Court of Appeals in accordance NRAP 17(b)(1).  
4

5  
6  
7 16. Issues of first impression or of public interest. Does this appeal present a  
8 substantial legal issue of first impression in this jurisdiction or one affecting an  
9 important public interest?

10 First Impression: \_\_\_\_ Yes **X No**

11 Public Interest: \_\_\_\_ Yes **X No**

12 17. Length of Trial. If this action proceeded to trial or evidentiary hearing in the  
13 district court, how many days did the trial or evidentiary hearing last?

14 n/a days  
15

16 18. Oral argument. Would you object to submission of this appeal for disposition  
17 without oral argument?

18 \_\_\_\_ Yes **X No**

19 **Timeliness of Notice of Appeal**  
20

21 19. Date district Court announced decision, sentence, or order appealed from

22 October 25, 2021.  
23

24 20. Date of entry of written judgment or order appealed from November 1, 2021.

25 21. If this appeal is from an order granting or denying a petition for a writ of  
26 habeas corpus, indicate the date written notice of entry of judgment or order was  
27 served by the district court

28 **N/A**

22. If the time for filing the notice of appeal was tolled by a post judgment motion...

N/A

23. Date Notice of Appeal filed November 18, 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)**

### 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) **X** 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.**

DATED this 14 day of December, 2021.

By: /s/ [Signature]  
ALEXANDRA M. DYER, ESQ.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

NV Bar No. 15540  
611 Sierra Rose Drive, Suite A  
Reno, NV 89511  
(775) 525-2560  
Attorney for Appellant  
STEVEN PENN GEIL

1 CERTIFICATE OF SERVICE

2 I hereby certify that this document was filed electronically with the Nevada  
3 Supreme Court on the 14<sup>th</sup> day of December, 2021. Electronic Service of the  
4 foregoing document shall be made in accordance with the Master Service List as  
5 follows:

6 AARON D. FORD ESQ  
7 ATTORNEY GENERAL  
8 100 N CARSON ST  
9 CARSON CITY NV 89701

10 STEPHEN B. RYE, ESQ.  
11 LYON COUNTY DISTRICT ATTORNEY  
12 31 MAIN STREET  
YERINGTON, NV 89447

13 I further certify that I served a copy of this document by mailing a true and  
14 correct copy thereof, postage pre-paid, addressed to:

15  
16 STEVEN PENN GEIL #1197996  
17 c/o Northern Nevada Correctional Center  
18 PO BOX 7000  
CARSON CITY NV 89702

19 DATED this 14<sup>th</sup> day of December, 2021.

20  
21 SIGNED: Beth Anne Roland  
22  
23  
24  
25  
26  
27  
28