

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

**INDICATE FULL CAPTION:**

CASIMIRO VENEGAS,  
Appellant,

vs.

STATE OF NEVADA  
Respondent.

No. 83964

Electronically Filed  
Jan 24 2022 03:44 p.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 Eight County Clark  
Judge Linda Bell District Ct. Case No. A-19-791881; C-16-313118

2. If the defendant was given a sentence,  
N/A

(a) what is the sentence?

(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 Joseph Z. Gersten Telephone (702) 857-8777

Firm The Gersten Law Firm PLLC

Address: 9680 W. Tropicana Ave #146, Las Vegas Nv, 89147

Client(s) CASIMIRO VENEGAS

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 Steven Wolfson, Esq Telephone 702-671-2700

Firm \_\_\_\_\_

Address: 200 Lewis Ave, 3rd FL  
Las Vegas, NV 89101

Client(s) State of Nevada / Calvin Johnson

Attorney Aaron Ford, Esq Telephone 775-684-1100

Firm Office of the Attorney General

Address: 100 North Carson Street  
Carson City, NV 89701

(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 <input checked="" type="checkbox"/> denial |
| <input type="checkbox"/> Grant of pretrial motion to dismiss   | <input type="checkbox"/> Other disposition (specify):                     |
| <input type="checkbox"/> Parole/probation revocation           |   |
| <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 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):

Venegas v. State, 74241

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):

**Eighth Judicial District**

A791881 (Venegas v. Warden)

C313118 (State v. Venegas)

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

**Appellant filed a Petition for Writ of Habeas Corpus. The hearing for said Petition was scheduled for argument and the Court *Sua Sponte* denied said Petition for an alleged lack of specificity.**

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

**Whether Petitioner's filings were specific enough to avoid dismissal and / or move Petitioner's case forward to an evidentiary hearing?**

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 assigned to the Court of Appeals under 17(b)(3); postconviction appeals that involve a challenge to a judgment of conviction or sentence for offenses that are not category A felonies.**

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: Public interest:

Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?

3 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 12/11/2021

20. Date of entry of written judgment or order appealed from 12/14/2021

(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 postjudgment 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 \_\_\_\_\_

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

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) \_\_\_\_\_ X

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.**

**CASIMIRO VENEGAS**

\_\_\_\_\_  
Name of appellant

**Joseph Gersten**

January 24, 2022

\_\_\_\_\_  
Date

*Joseph Z. Gersten*  
\_\_\_\_\_  
Signature of counsel of record

## CERTIFICATE OF SERVICE

I certify that on the 24th January day of 20 22, 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):

CALVIN JOHNSON, Warden  
P.O. Box 650  
Indian Springs, Nevada 89070-0650  
22010 Cold Creek Road  
Indian Springs, Nevada 89070

STEVEN B. WOLFSON, ESQ.  
Clark County District Attorney  
200 Lewis Avenue, 3rd Floor  
Las Vegas, NV 89101

AARON FORD, ESQ.  
Nevada Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717

Dated this 24th day of January, 20 22.

Joseph Z. Gersten  
Signature