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

THOMAS CASH

Appellant,

vs.

WILLIAM GITTERE,

Warden, Ely State Prison

Respondent.

S.Ct. No. 82060

D.C. No. C-18-329699-1

A-20-818971-W

Electronically Filed  
Mar 24 2021 09:55 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

**GENERAL INFORMATION**

1. Eighth Judicial District; Clark County, Department IX  
Judge Cristina D. Silva; District Court Case No. C-18-329699-1/A-20-818971-W
2. On August 20, 2018, Appellant was sentenced as follows: Count 1 – LIFE without the possibility of parole.  
b) The Appellant’s sentence has not been stayed.  
c) The Appellant has not been admitted to bail pending appeal.
3. Appellant represented himself in District Court on his Petition for Writ of Habeas Corpus (Post-Conviction), which is the subject of this appeal.
4. Attorney filing this docketing statement:  
Jean J. Schwartz, Esq.  
170 S. Green Valley Parkway #300  
Henderson, NV 89012  
(702) 979-9941
5. Appellate counsel is retained.
6. Respondent Attorney:  
Chief Deputy District Attorney Alexander Chen  
Clark County District Attorney’s Office  
200 Lewis Avenue, 9<sup>th</sup> Floor  
Las Vegas, Nevada 89155  
(702) 671-2750

1 7. Disposition Below:

2 Denial of Petition for Writ of Habeas Corpus (Post-Conviction).

3  
4 8. This appeal raises an issue concerning a LIFE sentence.

5  
6 9. Appellant is in favor of proceeding in an expedited manner.

7  
8 10. Prior proceedings in this court:

9 Case No. : Cash v. State of Nevada (Direct Appeal)

10  
11 11. Prior proceedings in other courts:

12 C257209: State of Nevada v. Cash (Criminal Trial)

13 A-20-818971-W : Cash v. Warden (Petition for Writ of Habeas  
14 Corpus (Post-Conviction))

15  
16 12. Appellant was found guilty of Second Degree Murder With Use of a  
17 Deadly Weapon. The District Court sentenced him to LIFE without the  
18 possibility of parole under the large habitual criminal statute. Appellant's  
19 conviction and sentence were affirmed on appeal by the Supreme Court of  
20 Nevada but the case was remanded to the District Court with an order to  
correct the habitual criminal statute citation. The District Court later denied  
Appellant's Petition for Writ of Habeas Corpus (Post-Conviction), request  
for evidentiary hearing, and request for appointed counsel.

21  
22 13. Issues Appellant is raising in this appeal:

23 a) The District Court erred in denying Appellant's Petition for Writ of Habeas  
Corpus (Post-Conviction).

24 b) The District Court erred in denying Appellant's request for an evidentiary  
hearing pursuant to NRS 34.770.

25 c) The District Court erred in denying Appellant's request for an appointed  
attorney.

26 ///

27 ///

1 14. N/A

2  
3 15. Pursuant to NRAP 17(b)(3), this case is presumptively routed to the Supreme  
4 Court of Nevada because this is a post conviction appeal that involves a  
5 challenge to a judgment of conviction or sentence for offenses that are  
category A and B felonies.

6 16. First Impression? No.

7 Public Interest? No.

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9 17. The jury trial in this matter lasted eight (8) days.

10  
11 18. I agree with the submission of this appeal for disposition without oral  
12 argument.

13  
14 **TIMELINESS OF NOTICE OF APPEAL**

15  
16 19. The District Court announced its decision to deny Appellant's Petition  
17 for Writ of Habeas Corpus (Post-Conviction) on October 7, 2020.

18 20. The District Court filed its Findings of Fact, Conclusions of Law and  
19 Order Denying Defendant's Petition for Writ of Habeas Corpus (Post-  
20 Conviction on November 4, 2020.

21 21. Notice of Entry of Decision and Order was filed on November 17, 2020.

22  
23 22. N/A.

24  
25 23. The Notice of Appeal was filed on November 2, 2020.

26  
27 24. The statute governing the time limit for filing the Notice of Appeal is NRAP  
28 4(b).

1 25. The statute which grants this Court jurisdiction to review the instant appeal is  
2 NRS 177.015(3).

3 **VERIFICATION**

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

6  
7 Thomas Cash

Jean J. Schwartzer

8  
9 March 24, 2021

/s/ Jean Schwartzer

10  
11  
12 Dated this 24<sup>th</sup> day of March, 2021.

13  
14 Respectfully submitted,

15 /s/ Jean J. Schwartzer

16 **JEAN J. SCHWARTZER, ESQ**

Nevada State Bar No. 11223

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20 Counsel for Appellant  
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**CERTIFICATE OF SERVICE**

I certify that on March 24<sup>th</sup>, 2021, an electronic copy of the foregoing  
DOCKETING STATEMENT was sent via the master transmission list with the  
Nevada Supreme Court to the following:

AARON FORD, ESQ.  
Nevada Attorney General  
  
STEVEN S. OWENS, ESQ.  
Chief Deputy District Attorney

*/s/ Jean J. Schwartz*  
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