

No. 83621
No. 84276

IN THE NEVADA SUPREME COURT

Electronically Filed
Mar 01 2022 10:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

B. Joshua W-A, a Minor,

Appellant,

v.

State of Nevada,

Respondent.

Direct Appeal from an Order of the District Court
Juvenile Division for Certification of Adult Status
Eighth Judicial District Court
Honorable David Gibson Jr., District Court Judge
District Court Case No. J-21-353445-D1

**Appellant's Motion to Consolidate Cases for Direct Appeal
And Request for Expedited Decision**

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State Bar #4771
Special Public Defender
W. Jeremy Storms
State Bar #10772
Chief Deputy Special Public Defender
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Las Vegas, NV 89155
(702) 455-6265
Attorneys for Appellant Byron W-A

POINTS AND AUTHORITIES

Appellant B. Joshua W-A, a minor, (hereinafter referred to as Joshua) by and through his attorney W. Jeremy Storms, Chief Deputy Special Public Defender, requests this Court consolidate the appeals docketed in this Court under Case Numbers 84276 and 83621.

These two appeals arose from the same underlying district court action - the district court issued two different Certification to Adult Status Orders a juvenile for adult criminal proceedings pursuant to NRS 62B.390 in case number J-21-353445-D1.

On September 21, 2021, the District Court filed a Certification to Adult Status Order [Counts 1-5, Lewdness with a Minor Under 14]. Appellant filed a notice of appeal of October 16, 2021, and the direct appeal was docketed in this Court under Case Number 83621. A motion for an extension of time to file the Opening Brief was granted, and the Opening Brief is due March 14, 2022.

The State filed an amended Petition alleging 3 additional counts of Lewdness with a Minor Under 14. The Certification to Adult Status Order on Additional Counts 6-8 was filed February 9, 2022. A Notice of

Appeal was filed February 15, 2022. That direct appeal was docketed under Case Number 84276.

Counsel seeks to consolidate the appeal of the certification order issued on February 9, 2022, with the appeal from the certification order issued on September 21, 2021, as the substantive issues in the case were developed after the original filing of appeal.

The underlying district court case in both appeals arises out of a petition alleging counts 1-5 and an amended petition alleging counts 6-8, in the same district court case J-21-353445-D1. After two different hearings, one for counts 1-5 and then another for counts 6-8, the district court certified Joshua as an adult. A Notice of Appeal was filed from each certification order but docketed in 2 separate cases – 83621 and 84276.

Additionally, counsel requests an expedited decision as to his motion to consolidate as the Opening Brief in Case Number 83621 is due March 14, 2021; and it is his belief that he would be able to file the brief timely and would not need an extension of time.

Moreover, it is counsel's intent to file a motion pursuant to NRAP 27(e) seeking relief in less than 14 days along with his Opening Brief as this juvenile matter should have resulted in a disposition months ago.

CONCLUSION


Separate briefing of the two appeals would involve duplicative filings and would waste the resources of the parties and the Court. Should this Court grant consolidation of the cases it would expedite processing of the cases; and would not adversely affect the interests of the parties

Based on the Declaration attached hereto, Appellant B. Joshua W-A, a Minor, requests the Court grant his motion to consolidate Cases 83621 and 84276. Further, Joshua requests expected consideration of the instant motion as the Opening Brief in Case Number 83621 is due March 14, 2022.

DATED this 1st day of March, 2022.

Respectfully submitted,

JoNell Thomas
Special Public Defender


Jeremy Storms (Mar 1, 2022 10:18 PST)

W. Jeremy Storms
Chief Deputy Special Public Defender

DECLARATION OF W. JEREMY STORMS

W. JEREMY STORMS, hereby declares as follows:

1. That I am an attorney duly licensed to practice law in the State of Nevada, and the deputy with the Clark County Special Public Defender's office assigned to represent B. Joshua W-A, a Minor on his appeal from the Order certifying him as an adult from juvenile court case number J-21-353445-D1.

2. I also represent B. Joshua W-A in the criminal case as a result of certification proceedings, Case No. 21CR043382.

3. A delinquency petition was filed September 1, 2021, and a Certification Petition was filed September 3, 2021 alleging 5 counts of Lewdness with a Minor under 14 against Appellant B. Joshua W-A (Joshua). After a hearing held on September 16, 2021, Joshua was certified for adult criminal proceedings.

4. A Notice of Appeal was filed on October 6, 2021, from the Certification to Adult Status Order. The appeal was docketed in Case Number 83621.

5. The Opening Brief in 83621 is due March 14, 2021.

5. On November 22, 2021, an amended delinquency petition and an amended certification petition were filed alleging an additional 3 counts against Joshua of Lewdness with a Minor under 14 (in the same district court case number J-21-353445-D1). After a hearing held February 3, 2022, Joshua was again certified for adult criminal proceedings.

6. A status check is set in the Las Vegas Justice Court on March 30, 2022, for the criminal proceedings.

7. Counsel seeks to consolidate the appeals in Case Numbers 83621 and 84276 for the following reasons:

(a) the underlying district court case in both appeals is the same district court case J-21-353445-D1 (the original petition alleges counts 1-5 and the amended petition alleges counts 6-8);

(b) separate briefing would involve duplicative filings and would waste the resources of the Court and the parties; and

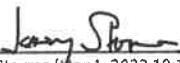
(c) it would expedite the processing of the cases which would not adversely affect the interests of the parties.

8. Counsel is requesting an expedited decision of the instant motion to consolidate cases 83621 and 84276 as the Opening Brief in case 83621 is due March 14, 2021; and he believes he would be able to meet this

deadline if the cases are consolidated. It is counsel's intent to file a motion pursuant to NRAP 27 seeking relief in less than 14 days along with his Opening Brief.

I declare that I make this request in good faith and not for purposes of delay.

Dated: 3/1/2022


Jeremy Storms (Mar 1, 2022 10:18 PST)

W. Jeremy Storms
Chief Deputy Special Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on 3/1/2022, a copy of Appellant's Motion to Consolidate Cases for Direct Appeal and Request for Expedited Decision was served as follows:

By Electronic Filing to

District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Nevada Attorney General
100 N. Carson St.
Carson City, NV 89701

/s/ Kathleen Fitzgerald
An Employee of the
Special Public Defender