

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

<p>Jose Fernando Monay-Pina, Appellant,</p> <p>vs.</p> <p>The State of Nevada; and Jerry Howell, Warden.</p> <p>Respondents</p>

No. 84321

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DOCKETING STATEMENT
CRIMINAL APPEALS
Elizabeth A. Brown
Clerk of Supreme Court

(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 Eighth County Clark

Judge Linda Bell District Ct. Case No. A-20-810899-W

2. If the defendant was given a sentence,

(a) what is the sentence?

Count 1: 24-60 months in NDOC; Count 2: 24-120 months in NDOC, concurrent with Count 1; Count 3: 24-120 months in NDOC, plus a consecutive 12-60 months for the use of a deadly weapon, concurrent with counts 1 and 2; Count 4: 24-120 months, concurrent with counts 1, 2, and 3; count 5: 24-120 months in NDOC, plus a consecutive 24-60 months for the use of a deadly weapon, concurrent with consecutive to counts 1, 2, 3;

(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 Monique McNeill Telephone 7024979734

Firm _____

Address: P.O. Box 2451, Las Vegas, NV 89125

Client(s) Jose Monay-Pina

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.

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):

Monay-Pina v. State, 74199

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):

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

This is an appeal of a denial of a post-conviction writ of habeas corpus.

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

Whether the district court erred in denying the petition for writ of habeas corpus.

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:

Per NRAP 17(b)(3), jurisdiction is presumptively assigned to the Court of Appeals.

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?

1 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 2/15/2022

20. Date of entry of written judgment or order appealed from 2/16/2022

(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 2/28/2022

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) <u>x</u> _____
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.

Jose Monay-Pina

Name of appellant

Monique McNeill

Name of counsel of record

3/8/2022

Date

/s/Monique McNeill

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the March 8th 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):

Dated this 8th day of March , 2022 .

/s/Monique McNeill
Signature