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2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**
3 **OFFICE OF THE CLERK**

4 JEMAR D. MATTHEWS,

Supreme Court No. 84339

5 Appellant,

Electronically Filed
Mar 09 2022 11:48 a.m.

6 vs.

Elizabeth A. Brown

7 THE STATE OF NEVADA,

CASE APPEAL DOCKETING
STATEMENT Clerk of Supreme Court

8 Respondent.
9
10

11 **GENERAL INFORMATION**

12 1. Judicial District: Eighth County: Clark

13 Judge: Michelle Leavitt District Ct. Case No. 06C228460-2

14 2. **If the defendant was given a sentence,**

15 (a) what is the sentence?

16 Count 1: a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a
17 MINIMUM parole eligibility of TWENTY-SIX (26) MONTHS;

18 COUNT 2 – LIFE with the eligibility of parole after serving a MINIMUM of
19 TWENTY (20) YEARS, plus a CONSECUTIVE term of LIFE with the eligibility of parole after
20 serving a MINIMUM of TWENTY (20) YEARS for the Use of a Deadly Weapon;
21

22 COUNT 3 – a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a
23 MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term
24 of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-
25 EIGHT (48) MONTHS for the Use of a Deadly Weapon;
26

27 COUNT 4 - a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a
28 MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term
of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-
EIGHT (48) MONTHS for the Use of a Deadly Weapon;

COUNT 5 – a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon;

COUNT 6 - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS;

COUNT 7 – a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS;

COUNT 8 - a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus a CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS for the Use of a Deadly Weapon;

COUNT 9 – a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus a CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS for the Use of a Deadly Weapon;

COUNT 10 - a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN (16) MONTHS; and

COUNT 11 - a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN (16) MONTHS;

ALL COUNTS to run CONCURRENT with COUNT 2; with FIVE THOUSAND SIX HUNDRED SEVEN (5,607) DAYS credit for time served.

(b) has the sentence been stayed pending appeal? No.

(c) was the defendant admitted to bail pending appeal? No.

3. **Was counsel in the district court appointed** [Yes] or retained ? []

1 4. **Attorney filing this docketing statement:**

2 Attorney: Todd M. Leventhal Telephone: (702) 472-8686

3 Firm: Leventhal & Associates

4 Address: 626 S. Third Street, Las Vegas, Nevada 89101

5 Client(s): Jemar D. Matthews

6 5. **Is appellate counsel appointed:** [Yes] or retained []?

7 **If this is a joint statement by multiple appellants, add the names**
8 **and addresses of other counsel on an additional sheet accompanied**
9 **by a certification that they concur in the filing of this statement.**

10 6. **Attorney(s) representing respondent(s):**

11 Attorney General
12 State of Nevada
13 Aaron Ford
14 Nevada Attorney General's Office
15 555 E. Washington Ave
16 Suite 3900
17 Las Vegas, NV 89101

18 Office of the District Attorney
19 Alexander Chen
20 Regional Justice Center, Third Floor
21 200 Lewis Avenue
22 PO Box 552212
23 Las Vegas, Nevada 89155

24 7. **Nature of disposition below:**

- 25 ☐ Judgment after bench trial ☐ Grant of pretrial habeas
26 ☒ Judgment after jury verdict ☐ Grant of motion to suppress evidence
27 ☐ Judgment upon guilty plea ☐ Post-conviction habeas (NRS ch. 34)
28 ☐ Grant of pretrial motion to dismiss ☐ grant ☐ denial
 ☐ Parole/probation revocation ☐ Other disposition (specify):
 ☐ Motion for new trial
 ☐ grant ☐ denial
 ☐ Motion to withdraw guilty plea
 ☐ grant ☐ denial

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

2 ☐ death sentence

☐ juvenile offender

3 ☒ life sentence

☐ pretrial proceedings

4
5 9. **Expedited Appeals:** The court may decide to expedite the appellate process in
6 this matter. Are you in favor of proceeding in such a manner?

7 ☐ Yes

☒ No

8
9 10. **Pending and prior proceedings in this court.** List the case name and docket
10 number of all appeals or original proceedings presently or previously pending before this court
11 which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-
conviction proceedings):

12 Supreme Court Cases: 62241, 66844, 77751, 84339

13
14 11. **Pending and prior proceedings in other courts.** List the case name, number and
15 court of all pending and prior proceedings in other courts that are related to this appeal (e.g.,
16 habeas corpus proceedings in state or federal court, bifurcated proceedings against co-
defendants):

17 District Court Case: 06c228460-2

18
19 12. **Nature of action.** Briefly state the nature of the action and the result below:

20 Direct appeal from Judgment of conviction upon Jury Trial

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

23 Whether there was sufficient evidence that Mr. Matthews had anything to
24 do with the killing.

25 Whether or not the Court allowed all the evidence regarding the co-
26 defendant case to permeate Mr. Matthews case deriving Mr. Matthews of a fair trial.

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

4 ☒ N/A

5 ☐ Yes

6 ☐ No.

7 If not, explain:

8 15. **Assignment to the Court of Appeals or retention in the Supreme Court:**

9 Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned
10 to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which
11 the matter falls. If appellant believes that the Supreme Court should retain the case despite its
12 presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s)
13 that warrant retaining the case, and include an explanation of their importance or significance:

14 This matter is presumptively retained by the Supreme Court as the direct
15 appeal of a conviction for a Category A and B Felony.

16
17 16. **Issues of first impression or of public interest:** Does this appeal present a
18 substantial legal issue of first impression in this jurisdiction or one affecting an important public
19 interest?

20 First impression:

21 ☐ Yes ☒ No

22 Public interest:

23 ☐ Yes ☒ No

24 17. **Length of trial:** If this action proceeded to trial or evidentiary hearing in the
25 district court, how many days did the trial or evidentiary hearing last?

26 8 days.

27
28 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:

02/04/2022.

20. Date of entry of written judgment or order appealed from: 02/24/2022

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review: n/a

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

(a) Was service by delivery ☐ or by mail ☐

22. If the time for filling 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: n/a

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: 03/01/2022.

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:

Response: NRAP 4(b)

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2 **SUBSTANTIVE APPEALABILITY**

3 24. Specify statute, rule or other authority that grants this court jurisdiction to review
4 from:

5 NRS 177.015(1)(b) ☐

NRS 177.015(1)(c) ☐

6 NRS 177.015(2) ☐

NRS 177.015(3) ☒

7 NRS 34.560 ☐

NRS 34.575(1) ☐

8 NRS 34.560(2) ☐

Other (specify) ☐

9 NRS 177.055 ☐

10
11 **VERIFICATION**

12
13 **I certify that the information provided in this docketing statement is true and**
14 **complete to the best of my knowledge, information, and belief.**

15 Jemar D. Matthews

16 Name of appellant

Todd M. Leventhal, Esq.

Name of counsel of record

17
18 DATED this 9 day of March, 2022.

19 Respectfully Submitted,

20
21 
22 TODD M. LEVENTHAL, ESQ.

Nevada Bar No.: 8543

626 South Third Street

Las Vegas, NV 89101

leventhalandassociates@gmail.com

(702) 472-8686

Attorney for Appellant

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2 **CERTIFICATE OF SERVICE**

3
4 I hereby certify that on 9 day of March 2022 a true and correct copy of the, **Docketing**
5 **Statement Criminal Appeal** was addressed to the parties below, to be served as follows:

6 ☒ By placing a true and correct copy of the same to be deposited for mailing in the U.S.
7 Mail, enclosed in a sealed envelope upon which regular first class mail was fully prepaid.
8

9 Jemar Matthews: Clark County Detention Center
10 Inmate # 01956579
11 330 South Casino Center Blvd.
12 Las Vegas, NV 89101

☒ via facsimile; email and/or

13 Clerk Reporter Dept. 12: Sara Richardson / RichardsonS@clarkcountycourts.us

14 ☐ by hand delivery to the parties listed below; and/or

15 ☒ by electronic service to all parties listed via ODYSSEY eFileNV.

16
17 Clark County District Attorney: Alexander G. Chen
18 Attorney General/Carson City: Aaron D. Ford
Eight District Court Clerk: Steven D. Grierson

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21 _____
22 Employee of Leventhal and Associates, PLLC.
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