

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD ALEXANDER JENKINS ,
Appellant.

v.

STATE OF NEVADA,
Respondent.

Electronically Filed
Sep 13 2021 11:21 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83465

DOCKETING STATEMENT

1. Judicial District: Ninth County: Douglas
Judge: Honorable Thomas Gregory District Court Case No.: 2019-cr-00188
2. If the Defendant was given a sentence,
 - a) what is the sentence? 4 consecutive sentences of 48-120 months, or a sentence structure of 192 months - 480 months in the Department of Corrections.
 - b) has the sentence been stayed pending appeal? No.
 - c) was defending admitted to bail pending appeal? No.
3. Was counsel in the district court appointed or retained? Retained.
4. Attorney filing this docketing statement?
Attorney: Richard F. Cornell Telephone: 775/329-1141
Firm: Richard F. Cornell, P.C. Address: 150 Ridge Street, Second Floor, Reno,
Nevada 89501
Client: Appellant, RICHARD ALEXANDER JENKINS
5. Is appellate counsel appointed or retained? Retained.
6. Attorneys representing Respondents:
Attorney: Chelsea Mazza Telephone: 775-782-9800
Firm: Douglas Co. District Attorney's Address: 1038 Buckeye Rd
Office Minden, Nevada 89423
Clients: STATE OF NEVADA
7. Nature of disposition below: Judgment after jury verdict

8. Does this appeal raise issues concerning any of the following: 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? No opinion.

10. Pending and prior proceedings in this court: None to the undersigned's knowledge.

11. Pending and prior proceedings in other courts: None to the undersigned's knowledge.

12. Nature of action:

Appellant was charged with four counts of lewdness with a child between 15 and 17 years of age. All counts concern the same victim, "G.W." The case was extensively litigated pretrial. After a five day jury trial the jury found the Appellant guilty as charged. The Court imposed the maximum imposable sentence, referenced above.

13. Issues on appeal:

1) Is the evidence sufficient to uphold the verdict, or any singular counts of the Amended Information? More specifically, when (if ever) can a lewdness conviction be grounded on touchings that do not contact the private parts of either the accused or the alleged victim?

2) Did the trial court abuse its discretion and violate Appellant's Fifth, Sixth and Fourteenth Amendment rights to due process of law and to a fair trial by allowing Dr. Blake Carmichael to testify to "child sex abuse accommodation

syndrome” relative to mere possible factors that were not at issue and relative to a “victim” he had not met or in this case had not studied?

3) Did the trial court abuse its discretion and violate Appellant’s Fifth, Sixth and Fourteenth Amendment rights to a fair trial and to due process of law by admitting uncharged misconduct that did not constitute criminal or sexual offenses?

4) Did the trial court abuse its discretion and violate Appellant’s Fifth, Sixth and Fourteenth Amendment rights to a fair trial and to due process of law by allowing into evidence truncated videos of the “uncharged misconduct” that did not give a full representation of the actual conduct and relationship between the Appellant and “G.W.”?

5) Any and all other issues as may come to the attention of the undersigned.

14. Constitutional Issues: Not applicable.

15. Assignment to the Court of Appeals: This case should remain with the Nevada Supreme Court, since it involves a conviction of a Category B felony after jury trial, and involves issues in addition to the sentence imposed and the sufficiency of the evidence. See: NRAP 17(b)(2).

16. Issues of first impression: Yes. Public interest.

17. Length of trial: Five days.

18. Oral Argument: Would you object to submission of this appeal for disposition without oral argument? While Appellant would prefer oral argument, this issue is left to the discretion of the Court.

TIMELINESS OF NOTICE OF APPEAL

19. Date the court announced decision, sentence or order appeal from: August 12, 2021.

20. Date of entry of written judgment: August 13, 2021.

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: Not applicable.

22. If the time for filing notice of appeal was tolled by a post judgment motion...: Not applicable.

23. Date of notice of appeal filed: August 20, 2021.

24. Specify statute or rule governing the time limit for filing the notice of appeal: NRAP 4(b).

25. Specify statute, rule or other authority that grants this court jurisdiction to review from: NRS 177.015(3).

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VERIFICATION

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

Richard A. Jenkins
Name of Appellant

Richard F. Cornell
Name of counsel of record

September 13, 2021
Date

/s/RichardCornell
Signature of counsel of record

CERTIFICATE OF SERVICE

The undersigned does hereby swear and declare under penalty of perjury that they are an employee of RICHARD F. CORNELL, P.C., and that on the 13th day of September, 2021, they caused a true and correct copy of the preceding document to be served upon all necessary parties by way of electronic service through the Court's E-flex filing system, addressed as follows:

Douglas County District Attorney's Office
1028 Buckeye Road
Minden, Nevada 89423
cmazza@douglas.nv.gov.

DATED this 13th day of September, 2021.

/s/KathrynOBryan
Kathryn O'Bryan