

SUPREME COURT OF THE STATE OF NEVADA

ARTHUR MOORE

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Nevada Supreme Court Case No.: 82747

District Court Case No.: C316287

**DOCKETING STATEMENT-CRIMINAL
APPEALS**

Electronically Filed
Apr 15 2021 02:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1. **Judicial District** Eighth Judicial District Court **Department** 12 **County** Clark

Judge Michelle Leavitt

District Ct. Docket No. C316287

2. **Attorney filing this docket statement:**

Attorney Dan M. Winder, Esq. **Telephone** (702) 474-0523

Firm The Law Office of Dan M. Winder, P.C.

Address 3507 W. Charleston Blvd

Las Vegas, Nevada 89102

Client(s) Arthur Moore

If this is a joint statement completed on behalf of multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. **Attorney(s) representing respondent(s):**

Steven B. Wolfson, Esq. **Telephone** (702) 671-2500

Address 200 Lewis Ave

Las Vegas, Nevada 89101

Client(s) State of Nevada

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant/Denial of injunction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Grant/Denial of declaratory relief |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Review of agency determination |
| <input type="checkbox"/> Dismissal | <input type="checkbox"/> Divorce decree: |
| <input type="checkbox"/> Lack of jurisdiction | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Failure to state a claim | <input checked="" type="checkbox"/> Other disposition (specify) |
| <input type="checkbox"/> Failure to prosecute | |
| <input type="checkbox"/> Other (specify) _____ | |

5. Does the appeal raise issues concerning any of the following: No

- | | |
|--|--|
| <input type="checkbox"/> Child custody | <input type="checkbox"/> Termination of parental rights |
| <input type="checkbox"/> Venue | <input type="checkbox"/> Grant/Denial of injunction or TRO |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Juvenile matters |

6. 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:

None.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None.

8. Nature of the action. Briefly describe the nature of the action, including a list of the causes of action pleaded, and the result below:

Appellant filed a Direct Appeal from a Judgment of Conviction after Guilty Plea and Sentencing.

9. Issues on appeal. State concisely the principal issues(s) in this appeal:

A. The District Court Erred When it Failed to Set Aside Appellant's Guilty Plea.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised:

None.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a part to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A X Yes No

If not, explain _____

12. Other issues. Does this appeal involve any of the following issues?

 Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))

 An issue arising under the United States and/or Nevada Constitutions

 A substantial issue of first-impression

 An issue of public policy

 An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

 A ballot question

13. **Trial.** If this action proceeded to trial, how many days did the trial last? N/A
Was it a bench or jury trial? _____
14. **Judicial disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which Justice?
No.

TIMELINESS OF NOTICE OF APPEAL

15. **Date of entry of written judgment or order appealed from** April 1, 2021 **Attach a copy. If more than one judgment or order is appealed from, attach copies of each judgment or order from which an appeal is taken.**

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

N/A

16. **Date written notice of entry of judgment or order served.** April 1, 2021 **Attach a copy. Including proof of service, for each order or judgment appealed from.**

(a) Was service by delivery ____ Or by mail X (specify).

Notice of Order contains no certificate of service;

17. **If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59),**

(a) Specify the type of motion, and the date and method of service of the motion and date of filing.

NRCP 50(b) ____ Date served _____ By delivery ____ Or by mail ____ Date of filing ____

NRCP 52(b) ____ Date served _____ By delivery ____ Or by mail ____ Date of filing ____

NRCP 59 ____ Date served _____ By delivery ____ Or by mail ____ Date of filing ____

Attach copies of all post-trial tolling motions.

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration do not toll the time for filing a notice of appeal.

(b) Date of entry of written order resolving tolling motion _____ **Attach a copy.**

(c) Date written notice of entry of order resolving motion served _____ **Attach a copy.**

(i) Was service by delivery ___ Or by mail ___ (specify).

18. Date notice of appeal was filed April 6, 2021.

(a) If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal:

N/A

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a), NRS 155.190, or other NRAP 4(a)

SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

NRAP 3A(b)(1) ___ NRS 155.190 ___ (specify subsection)

NRAP 3A(b)(2) ___ NRS 38.205 ___ (specify subsection) _____

NRAP 3A(b)(3) ___ NRS 703.376 ___

Other (specify) _____

Explain how each authority provides a basis for appeal from the judgment or order:

An Appeal of a criminal conviction for sexual assault, et al., wherein, the Appellant received

a life sentence.

COMPLETE THE FOLLOWING SECTION ONLY IF MORE THAN ONE CLAIM FOR RELIEF WAS PRESENTED IN THE ACTION (WHETHER AS A CLAIM, COUNTERCLAIM, CROSS-CLAIM, OR THIRD PARTY CLAIM) OF IF MULTIPLE PARTIES WERE INVOLVED IN THE ACTION. Attach separate sheets as necessary.

21. List all parties involved in the action in the district court:

State of Nevada

Arthur Moore

(a) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.* formally dismissed, not served, or other:

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (*i.e.*, order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below:

Yes X No

25. If you answered "No" to the immediately previous question, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b):

Yes ____ No ____ **If “Yes,” attach a copy of the certification or order, including any notice of entry and proof of service.**

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment:

Yes ____ No ____

26. If you answered “No” to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docking statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Arthur Moore
Name of Appellant

Dan M. Winder, Esq.
Name of counsel of record

April 15, 2021
Date

/s/ Dan M. Winder
Signature of counsel of record

State of Nevada, County of Clark
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 16th day of April, 2021, I served a copy of this completed docketing statement upon all counsel of record:

_____ By personally serving it upon him/her; or

 X By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Steven B. Wolfson, Esq.
Clark County District Attorney
200 Lewis Ave.
Las Vegas, NV 89101

 /s/ Sherrie Martin
An employee of Dan M. Winder., Esq