

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

Toyer Edwards Appellant vs.  THE STATE OF NEVADA Respondent	No. 82639  <b>DOCKETING</b> <b>CRIMINAL APPEALS</b> (Including appeals from pretrial and post-conviction rulings and other requests for post-conviction relief)	Electronically Filed Mar 24 2021 09:48 a.m. Elizabeth A. Brown Clerk of Supreme Court
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GENERAL INFORMATION

1. Judicial District Eighth County Clark  
Judge Mark B. Bailus District Ct Case No. C-17-324805-1

2. If the defendant was given a sentence,

(a) what is the sentence?

See attached.

(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 filing this docketing statement:**

Attorney Jessie L. Folkestad, Esq. Telephone (702)598-1471

Firm: Christopher R. Oram LTD.

Address:

Client(s) Toyer Edwards

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.**

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

Attorney Steve Wolfson Telephone

Firm: District Attorney

Address: 200 Lewis Avenue  
Las Vegas, Nevada 89101

Client(s) State of Nevada

Attorney Aaron Ford Telephone

Firm: Attorney General

Address: 100 North Carson Street  
Carson City, Nevada 89701-4717

Client(s) State of Nevada

(List additional counsel on separate sheet if necessary)

**7. Nature of disposition below:**

- |   |  |
|---|--|
| <input type="checkbox"/> Judgment after bench trial             | <input type="checkbox"/> Grant of pretrial habeas              |
| <input checked="" type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant of motion to suppress evidence  |
| <input type="checkbox"/> Judgment upon guilty plea              | <input type="checkbox"/> Post-conviction habeas (NRS ch. 34)   |
| <input type="checkbox"/> Grant of pretrial motion to dismiss    | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> Parole/Probation revocation            | <input type="checkbox"/> Other disposition (specify)           |
| <input type="checkbox"/> Motion for new trial                   |  |
| <input type="checkbox"/> grant <input type="checkbox"/> denial  |  |
| <input type="checkbox"/> Motion to withdraw guilty plea         |  |
| <input type="checkbox"/> grant <input type="checkbox"/> denial  |  |

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

☐ death sentence

☐ life sentence

☐ juvenile offender

☐ 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?

Yes ☐ No ☒

**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):

77334 Toyer Edwards

**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):

None that counsel is aware.

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

On December 04, 2019, Mr. Edwards' Petition for Writ of Habeas Corpus (post-conviction) was granted by the Honorable Davis M. Jones. Mr. Edwards hereby files an untimely direct appeal pursuant to NRAP 4(c)(3) as granted by the district court. The Amended Order Granting Mr. Edwards' Writ of Habeas Corpus was entered March 12, 2021.

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:  
Mr. Edwards reserves the right to address issues as they may arise.

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. **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 ☒

16. **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?

5 days

17. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes ☒ No ☐

### **TIMELINESS OF NOTICE OF APPEAL**

18. Date district court announced decision, sentence or order appealed from 12/04/2019

19. Date of entry of written judgment or order appeal from 03/12/2021

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

20. 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 ☐.

21. 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 _____	Date filed _____
(newly discovered evidence)	
New trial _____	Date filed _____
(other grounds)	

(b) Date of entry of written order resolving motion \_\_\_\_\_

22. Date notice of appeal filed 03/17/2021

23. 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

### SUBSTANTIVE APPEALABILITY

24. 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) _____
NRS 177.015(2) _____	NRS 34.575(2) _____
NRS 177.015(3) _____	Other (specify) <u>NRAP 4(b)</u>
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.

TOYER EDWARDS

Name of appellant

JESSIE L. FOLKESTAD, ESQ.

Name of counsel of record

03/24/2021

Date

Jessie Folkestad

Signature of counsel of record

### CERTIFICATE OF SERVICE

I certify and affirm that this document was filed electronically with the Nevada Supreme Court day of March 24, 2021 Electronic Service of the foregoing document shall be made in the accordance with Master Service list as follow:

AARON FORD  
Nevada Attorney General

STEVE WOLFSON  
District Attorney

CHRISTOPHER R. ORAM, ESQ

BY:

Nancy Medvina

An Employee of Christopher R. Oram, Esq.

# Exhibit A

*Steven D. Grierson*

JOC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TOYER EDWARDS  
aka TOYER FIDEL EDWARDS  
#0878456

Defendant.

CASE NO. C-17-324805-1

DEPT. NO. XVIII

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1 and 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481 and COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM; thereafter, on the 10<sup>th</sup> day of May,

Jury Trial  
☐ Dismissed (during trial)  
☐ Acquittal  
☐ Guilty Plea with Sent. (during trial)  
☒ Conviction

3F



1 2018, the Defendant was present in court for sentencing with his counsel, Elaine Odeh,  
2 Deputy Public Defender, and good cause appearing,

3 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crimes as set forth in  
4 the jury's verdict under the LARGE HABITUAL Criminal Statute and, in addition to the  
5 \$25.00 Administrative Assessment Fee and \$3.00 DNA Collection Fee, the Defendant  
6 is SENTENCED as follows: a MAXIMUM of TWENTY-FIVE (25) YEARS with a  
7 MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of  
8 Corrections (NDC), and COUNT 2 - a MAXIMUM of TWENTY-FIVE (25) YEARS with a  
9 MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of  
10 Corrections (NDC), to run CONCURRENT with Count 1; with THREE HUNDRED AND  
11 FIFTEEN (315) DAYS credit for time served.  
12  
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14 DATED this 21 day of May, 2018.

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19 \_\_\_\_\_  
20 MARK B. BAILUS  
21 DISTRICT COURT JUDGE  
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