

SUPREME COURT OF THE STATE OF NEVADA

SHAN JONATHON KITTREDGE,)

#1202642,)

Appellant,)

) Dept.: XXXII

v.)

STATE OF NEVADA,)

)

Respondent.)

_____)

Electronically Filed
Jan 06 2022 11:52 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
83943

Supreme Court No:

D.C. case no.: A-20-815382-W

E-filed

DOCKETING STATEMENT - CRIMINAL APPEALS

1. Eighth Judicial District, County of Clark, Judge Christy Craig, District

Court Case number: A-20-815382-W, C-18-333335-2.

2. If the Defendant was given a sentence,

(a.) what is the sentence?

Defendant received an aggregate sentence of eighteen (18) to forty-five (45) years in the Nevada State Prison with one hundred fifty six (156) days credit for time served. Defendant was ordered to pay restitution in the amount of \$4,153.37 to be

paid jointly and severally with the co-defendant.

(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? Appointed.

4. Attorney filing this docketing statement:

Attorney: Terrence M. Jackson Telephone: 702.386.0001

Firm: Law Office of Terrence M. Jackson

624 South Ninth Street

Las Vegas, Nevada 89101

Client: Shan Jonathon Kittredge

5. Is appellate counsel appointed or retained? Appointed.

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

Attorney: Steven B. Wolfson Telephone: 702.671.2500

Firm: Clark County District Attorney

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

Client: State of Nevada

Attorney: Jonathan E. VanBoskerck Telephone: 702.671.2794

Firm: Chief Deputy District Attorney - Criminal Division

200 East Lewis Avenue

Las Vegas, Nevada 89155-2212

Client: State of Nevada

7. Nature of disposition: Judgment after jury verdict; Post-Conviction habeas -
(NRS ch. 34) denial

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

☐ death sentence ☐ juvenile offender

☐ life sentence ☐ 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.**

10. Pending and prior proceedings in this court: **83943.**

11. Pending and prior proceedings in other courts: C-18-333335-2,
A-20-815382-W, in Eighth Judicial District Court.

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

The Defendant was charged in a Superseding Indictment on August 1, 2018,
with nearly forty (40) counts of the Indictment. Defendant initially pled not guilty and
a trial was then set. Defendant then entered a plea of guilty on March 18, 2019, and
pursuant to a guilty plea agreement, Defendant was sentenced to a “stipulated”
sentence of eighteen (18) to forty-five (45) years on May 16, 2019.

On May 22, 2020, Defendant filed a *Pro Per* Petition for habeas corpus. The State filed a response on November 25, 2020. Defendant then, through appointed counsel, filed a Supplemental Petition on July 14, 2021. On August 18, 2021, the State filed a Response. Defense counsel then filed a Reply on October 18, 2021.

The District Court heard argument on the Petition on October 21, 2021. The District Court issued Findings of Fact, Conclusions of Law and Order on December 1, 2021. Notice of Entry was filed December 6, 2021.

13. Issues on Appeal. State specifically all issues in this appeal:

1) Whether the District Court erred in denying Defendant's Petition for habeas corpus relief;

A. Whether defense counsel was ineffective preplea;

B. Whether defense counsel failed to adequately counsel and prepare Defendant preplea;

C. Whether the guilty plea process was inadequate to establish Defendant's guilty plea was knowing, voluntary and intelligent;

2) Whether the District Court erred in sentencing Defendant to a term of 18 years to 45 years;

3) Whether cumulative error requires reversal;

4) Defendant/ Appellant respectfully requests the right to add additional issues

to the Opening Brief if warranted by further legal research.

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

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 issues or circumstances that warrant retaining the case, and include an explanation of their importance or significance:

This is an appeal of a conviction of a guilty plea. It is therefore presumptively assigned to the Court of Appeals pursuant to NRAP 17B(1). Defendant urges the Court retain jurisdiction because of the lengthy sentence he received of 18 to 45 years and because of the substantial and complex issues concerning the validity of Defendant's guilty plea.

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?

One day.

18. Oral argument. Would you object to submission of this appeal for disposition without oral argument? ☒ Yes ☐ No.

19. Date district court announced decision, sentence or order appealed from:

December 1, 2021.

20. Date of entry of written judgment or order appealed from: December 6, 2021.

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: N/A

(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:

N/A

23. Date notice of appeal filed: December 13, 2021.
24. Specify statute governing the time limit for filing notice of appeal:
NRS 177.015(2)
25. Specify statute, rule or other authority that grants this court jurisdiction to
review from: NRS 177.015(2)

VERIFICATION

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

Shan Jonathon Kittredge
Name of Appellant

January 6, 2022
Date

Terrence M. Jackson, Esq.
Name of Counsel of Record

//s// Terrence M. Jackson
Signature of counsel of record

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CERTIFICATE OF SERVICE

I certify that on the 6th day of January, 2022, I served a copy of this completed docketing statement upon all counsel of record:

[X] Via Electronic Service (eFlex) to the Nevada Supreme Court;

[X] and by United States first class mail with postage affixed to the Nevada Attorney General and to the Defendant as follows:

STEVEN B. WOLFSON
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LAURA ROSE GOODMAN
Chief Deputy District Attorney
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By: /s/ Ila C. Wills
Assistant to T. M. Jackson, Esq.