

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

DUJUAN LOOPER,

[NDOC 1120989]

Petitioner,

vs.

CALVIN JOHNSON WARDEN OF
HIGH DESERT STATE PRISON

Respondent.

Supreme Court Case 85513

Case No.: A-22-856419-W

DEPT NO. XVII

[stemming from C-12-279379-1]

DOCKETING STATEMENT

CRIMINAL CASE APPEAL

1. Eighth Judicial District Clark County
Honorable Carolyn Ellsworth, for Sr. Judge Mark Gibbons Dept 17
District Court Case A-22-856419-W.
2. On April 28, 2014, he was sentenced to:
Count 1 Attempt Sexual Assault with a Minor Under Fourteen Years of Age
Sentenced to a maximum of two hundred forty (240)
months and a minimum of ninety-six (96) months
Count 2 Battery Constituting Domestic Violence Strangulation and

Sentenced to a maximum of sixty (60) months and a minimum of nineteen (19) months consecutive to count 1
Count 3 Possession of Visual Presentation Depicting Sexual Conduct of a Child

Sentenced to a maximum of seventy-two (72) months and a minimum of nineteen (19) months consecutive to counts 1 and 2

eight hundred nine (809) days credit for time served. It was further ordered a special sentence of lifetime supervision is imposed to commence upon release from any term of probation, parole or imprisonment and he is to register as a sex offender within 48 hours after sentencing or release from custody.

	Minimum	Maximum
1	96 months	240 months
2	19 months	60 months
3	19 months	72 months
	134 months	372 months

Total time: 134 months to 372 months = 11.16 years to 31 years – with 809 days jail credit (2.22 years)

- b) The Appellant's sentence has not been stayed.
- c) The Appellant has not been admitted to bail pending appeal.
- 3. All attorneys who represented Appellant in District Court were appointed.
- 4. Attorney filing this docketing statement:
Diane C. Lowe, Esq.
Lowe Law, L.L.C.
7350 West Centennial Pkwy #3085
Las Vegas, NV 89131
Telephone 725 212 2451
- 5. Appellate counsel is appointed.

6. Respondent Attorney:

District Attorney Steven Wolfson, Esq.
Clark County District Attorney's Office
200 Lewis Avenue, 9th Floor
Las Vegas, NV. 89155
(702)671-2750

Attorney General Arron D. Ford
Nevada Department of Justice
100 North Carson Street
Carson City, Nevada 89701
Telephone 775 684 1100

Client: The State of Nevada

7. Disposition Below: Judgment upon guilty pleas.

8. Does this appeal raise an issue concerning a LIFE sentence, death, juvenile, pretrial? No.

9. Appellant is not in favor of proceeding in an expedited manner.

10. Prior proceedings in this court: Direct appeal 81195.

11. Prior proceedings in other courts:

1. There was a fast-track direct appeal 65608 which resulted in a judgment affirmed December 11, 2014. He had an attorney appointed for his postconviction writ of habeas corpus action A-18-771898-W. He lost and his attorney fell out of communication with him and failed to file an appeal. He much later filed a pro se appeal May 26, 2022, which was rejected by the Nevada Supreme Court as untimely leaving them without jurisdiction. 84804. Order of Dismissal filed June 16, 2022. He was able to get this

attorney appointed, Diane Lowe who filed an in-depth petition for writ of habeas corpus on his behalf. The State responded and the District Court rejected the arguments of Petitioner. There was no briefing beyond the attorney filed petition for writ of habeas corpus and the State's response.

The 15-page Findings of Fact, Conclusions of Law & Order issued October 12, 2022.

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

Mr. Looper was charged with 9 criminal counts. His plea agreement was for 3 counts: Count 1 Attempt Sexual Assault with a minor under fourteen years of age (Category B Felony – NRS 193.330, 200.364, 200.366); Count 2 – Battery Constituting Domestic Violence – Strangulation (Category C Felony – NRS 200.481; 200.485; 33.018) and Count 3 – Possession of Visual Presentation Depicting Sexual Conduct of a Child (Category B Felony – N.R.S. 200.700, 200.730). His original petition for writ of habeas corpus went through to a evidentiary hearing which resulted in denial of relief. He states he thought his attorney was going to file an appeal for him but he did not. Much later he tried to himself but it was too late and the Nevada Supreme Court found they did not have jurisdiction to consider the action. This attorney was then appointed and a Petition for Writ of Habeas Corpus was filed and denied without additional briefing or hearings.

13. Issues Appellant is raising in this appeal:

Postconviction writ of habeas corpus attorney Mr. Gamage represented Mr. Looper throughout his postconviction writ of habeas corpus case and at the evidentiary hearing but did not advise him that an Order denying relief was issued August 22 2017 nor did he advise him that he was not going to file an appeal as promised if they lost.

Mr. Looper would like to pursue an appeal on one or more of the issues presented in his initial petition for writ of habeas corpus and supplemental briefing and argument; for which relief was denied after an evidentiary

hearing, namely: Ground One – Violation of Petitioner’s Right to Effective Assistance of Counsel During Plea Negotiations and Sentencing.

14. Not applicable. No known challenges to the Constitutionality of Statutes at issue at this time.

15. Pursuant to NRAP 17(b)(3) this proceeding is presumptively assigned to the Court of Appeals because this is a postconviction appeal of two Category B felonies and a Category C felony (plea agreement / denial of writ of habeas corpus petition.).

16. First Impression: No.

Public Interest: No.

17. This was a plea agreement and there was not any postconviction hearing on argument or evidence.

18. No objection to the submission of this appeal for disposition without oral argument.

TIMELINESS OF NOTICE OF APPEAL

19. September 19, 2022.

20. The 15-page Findings of Fact, Conclusions of Law & Order issued October 12, 2022.

21. Findings of Fact Conclusions of Law and Order denying relief issued by eService for Portal the online case system for the Eighth Judicial District Court.

22. This is not a direct appeal. We asserted in our petition that the untimeliness was due to his attorney’s failure to file an appeal after the original findings of fact conclusions of law and order was issued on December 27, 2018 for A-18-771898-W.

23. N/A.

24.The Notice of Appeal was filed on October 13, 2022.

25.The statute governing the time limit for filing the Notice of Appeal is NRAP 4(b).

26.The statute which grants this Court jurisdiction to review the instant appeal is N.R.S. 177.015(3).

VERIFICATION

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

Respectfully Submitted,

LOWE LAW, L.L.C.

/s/ Diane C. Lowe

DIANE C. LOWE ESQ.

Nevada Bar #14573

CERTIFICATE OF SERVICE

I certify that on October 19, 2022, an electronic copy of the foregoing

DOCKETING STATEMENT was sent via the master transmission list with the

Nevada Supreme Court to the following:

AARON FORD, ESQ. ✓

Nevada Attorney General

STEVEN WOLFSON, ESQ. ✓

Clark County District Attorney

/s/ Diane C. Lowe

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