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Elizabeth A. Brown
Clerk of Supreme Court

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN
AND FOR THE COUNTY OF WASHOE**

D’VAUGHN KEITHAN KING,

Appellant,

Case No. 85838

v.

(Dist. Ct. Case No. CR12-1160)

THE STATE OF NEVADA,

Respondent.

DOCKETING STATEMENT

- 1. Judicial district, county, judge, and district court docket number of lower court proceedings:** Second Judicial District Court, County of Washoe, Honorable Patrick Flannigan, District Court Case Number CR12-1160.
- 2. Conviction(s) appealed from:** Count I –Murder in the Second Degree With the Use of a Deadly Weapon, a violation of NRS 200.010, NRS 200.030 and NRS 193.165, a category A felony.
- 3. Sentence for each count:** Sentenced to imprisonment in Nevada State Prison for Count I – a maximum term of Life with the Possibility of Parole, with parole eligibility beginning when a minimum of Ten (10) years has been served. Further, the Court, having considered Paragraphs (a) through (e) as described in NRS 193.165(1), imposes an additional penalty of a consecutive term of imprisonment in

1 the Nevada State Prison for a minimum term of Fifty-Three (53) months to a
2 maximum term of Two Hundred and Forty (240) months for the Use of a Deadly
3 Weapon enhancement. It is further ordered that both sentences will be served
4 consecutively to the sentence previously imposed in Case No. 10F07661, with credit
5 for time served in the amount of Six Hundred and Fifty-One Days (651) days.
6

7 **4. Was counsel in district court appointed or retained:** Appointed

8 **5. Attorney filing this docketing statement:** Theresa Ristenpart, Esq. of Ristenpart
9 Law, LLC 464 South Sierra Street, Reno, Nevada 89501 (775) 200-1699.

10 **6. Is appellate counsel appointed or retained:** Appointed

11 **7. Attorneys representing Respondent:** Washoe County District Attorney's Office, 1
12 S. Sierra Street, Reno NV 89501.

13 **8. Nature of disposition:** Judgement after plea agreement.

14 **9. Does this appeal raise issues concerning any of the following:** Appellant counsel
15 cannot answer this question until receive court transcripts of proceedings and
16 reviewed all lower court filings.
17

18 **10. Expedited appeals:** Appellant is in favor of an expedited appeals process.

19 **11. Pending and prior proceedings in this court:** N/A

20 **12. Pending and prior proceedings in other courts:** N/A

21 **13. Nature of action:** The State of Nevada filed on April 19, 2012 a
22 criminal information charging Appellant with Count I – Open Murder, a violation of
23 NRS 200.010, an Unclassified Felony. A guilty plea memorandum was filed on
24 November 25, 2013. Mr. King entered a guilty plea to Count I - on November 25,
25 2013. Mr. King was sentenced on January 22, 2014. The judgement of conviction
26

1 was filed January 23, 2014. Mr. King filed a timely direct appeal on January 31,
2 2014. The Nevada Supreme Court affirmed Mr. King's conviction on December 8,
3 2014.

4
5 Mr. King timely filed a pro per petition for postconviction writ of habeas
6 corpus on July 16, 2015. Second Judicial District Court dismissed Mr. King's
7 petition for postconviction writ of habeas corpus on November 21, 2017. Mr. King
8 timely filed a notice of appeal for that dismissal on December 12, 2017. On March
9 14, 2019, the Nevada Court of Appeals ordered a reversal and remand from the
10 Court of Appeal and directed the parties to set the matter for an evidentiary hearing.
11 The Second Judicial District Court held an evidentiary hearing on November 21,
12 2022. On January 3, 2023, the court denied Mr. King's petition for postconviction
13 writ of habeas corpus. Mr. King filed a timely notice of appeal on January 25, 2023.
14

15 **14. Issues on appeal:** Appellant counsel cannot answer this question until received
16 court transcripts of proceedings and reviewed all lower court filings.

17
18 **15. Assignment to court of appeals:** Pursuant to NRAP 17, convictions for Category
19 A and B felonies are not presumptively assigned to the Court of Appeals. NRAP
20 17(b). As this is the case, Mr. King respectfully requests that this Court retain this
21 case as he is appealing a category A felony.

22 **16. Constitutional issues:** Appellant counsel cannot answer this question until
23 received court transcripts of proceedings and reviewed all lower court filings.

24 **17. Issues of first impression or public interest:** Appellant counsel cannot answer
25 this question until received court transcripts of proceedings and reviewed all lower
26 court filings.

1 **18. Length of trial:** N/A

2 **19. Oral Argument:** Counsel does not object to submissions this appeal for disposition
3 without oral argument.

4 **20. Date district court announced decision, sentence, or order appealed from:**

5 Appellant sentenced on January 22, 2014. Order Deny/Dismiss Post Conviction
6 Petition filed on January 3, 2023.

7 **21. Date of entry of written judgment or order appealed from:** Judgment of

8 conviction filed on January 23, 2014. Appeal of Order Deny/Dismissing Post
9 Conviction Petition filed on January 3, 2023.

10 **22. Date notice of appeal filed:** January 25, 2023

11 **23. Rule governing the time limit for filing the notice of appeal:** NRAP 4(b).

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

14 **VERIFICATION**

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

17 Respectfully submitted this 16th day of February, 2023.

18 */s/ Theresa Ristenpart, Esq.*
19 THERESA RISTENPART, ESQ.
20 Appellate Counsel
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Washoe County District Attorney Office
Attorney General/Carson City

Mr. D'Vaughn Keithan King
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/s/ Naomi E. Kandarian
Naomi E. Kandarian, Legal Receptionist