

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

DAINE ANTON CRAWLEY,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Supreme Court Case 85884

Case No.: A-20-816041

DEPT NO. XVII

[stemming from C-19-341735-1]

DOCKETING STATEMENT

1. Eighth Judicial District Clark County
 Honorable David Barker, Dept 17 District Court Case A-20-816041-W

2. On April 1, 2020, he was sentenced to:
 Count 1 Assault with a Deadly Weapon with the small habitual repeater for
 Category B felony to 84 months to 240 months.
 - 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

Telephone: (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 plea.

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 83136

11. Prior proceedings in other courts: None other than the current one this case stems from A-20-816041-W.

12. Nature of action. On June 12, 2019 Mr. Crawley was arrested near or in a casino parking lot after people complained that he was approaching cars with a knife in his hand and making threatening gestures to those inside of the vehicles. He was apprehended and charged with Count 1 Assault with a deadly weapon a Category B Felony Nev. Rev. Stat. §200.471; and Count 2 Carrying a Concealed Firearm or other Deadly Weapon (In his case a small pocketknife) a Category C Felony Nev. Rev. Stat. §202.350(1)(d)(3). He accepted a plea agreement to Count 2 and after the plea hearing was released pending sentencing. But while he was out, he was caught shoplifting and was arrested charged and booked. Given this violated his plea agreement per the State added a small habitual enhancer and his sentence was 84 months to 240 months. He filed an appeal 83136; and subsequently a post-conviction petition for writ of habeas corpus after his pretrial petition to withdraw his plea failed. He lost and that is the subject of this appeal.

13. Issues on Appeal. Whether the district court erred in denying relief for his claim that his plea agreement was entered without effective assistance of counsel. Whether the district court erred in denying relief for his claim that his trial counsel was prejudicially ineffective for failure to properly present mitigating circumstances to the Judge at sentencing. Whether he was wrongfully denied an evidentiary hearing.

14. Constitutional Issues. We are not challenging the constitutionality of any statutes.
15. Assignment to the Court of Appeals or retention in the Supreme Court. This is a standard plea agreement dispute on the prejudicial ineffectiveness of counsel and does not contemplate any new issues or areas where a break from stare decisis is requested. We just disagree on whether our arguments in this case are supported by existing law to allow relief.
16. Issues of first impression or of public interest. No to both.
17. Length of Trial. Not applicable this pertains to a plea agreement.
18. Oral Argument. We do not object to submission of this appeal for disposition without oral argument.

TIMELINESS OF NOTICE OF APPEAL

19. Date district court announced decision, sentence or order appealed from. November 28, 2022.
20. Date of entry of written judgment or order appealed from. December 21, 2022.
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. It was served both by USPS mail and by

Eighth Judicial District Odyssey Portal electronically to my email December 22, 2022.

22. 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. We do not assert this.

23. Date notice of appeal filed. December 21, 2022.

24. Specify statute or rule governing the time limit for filing the notice of appeal.
NRAP 4(b).

25. The statute which grants this Court jurisdiction to review the instant appeal is Nev. Rev. Stat. §34.575.

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 January 4, 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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