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7 *Attorneys for Appellant Adrian Powell*

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Elizabeth A. Brown  
Clerk of Supreme Court

8  
9 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

10  
11 ADRIAN POWELL, ) No.: 85955  
#1217413, )

12 Appellant, )

13 vs. )

14 THE STATE OF NEVADA, )

15 Defendant. )  
16  
17

**DOCKETING STATEMENT  
CRIMINAL APPEALS**

18 **GENERAL INFORMATION**

19  
20 Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of  
21 the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on  
22 appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases  
for oral argument, classifying cases for expedited treatment and assignment to the Court of Appeals,  
and compiling statistical information.

23 **WARNING**

24 This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court  
25 may impose sanctions no counsel or appellant if it appears that the information provided is  
26 incomplete or inaccurate. Id. Failure to fill out statement completely or to file it in a timely manner  
27 constitutes grounds for the imposition of sanctions.  
28

1           1. Judicial District: Eighth Judicial District           County: Clark County  
2                   Judge: Ronald Isreal   District Ct. Case No.: C-17-327767-2 &  
3   A-21-839265-W

4           2. If the defendant was given a sentence,

5               (a) What is the sentence:

6                   Defendant was sentenced to life with the possibility of parole after a minimum of twenty  
7                   (20) years has been served in the Nevada Department of Corrections, a consecutive  
8                   sentence to life with the possibility of parole after serving ten (10) years, and a  
9                   concurrent sentence to life with the possibility of parole after serving ten (10) years. A  
10                  special sentence of lifetime supervision is imposed to commence upon release from any  
11                  term of probation, parole or imprisonment requiring Defendant to register as a sex  
12                  offender in accordance with NRS 179D.460 within 48 hours after sentencing or release  
13                  from custody.

14               On May 22, 2019, Petitioner was sentenced to the Nevada Department of  
15               Corrections as follows: As to Count 1 – twelve (12) to forty-eight (48) months; as  
16               to Count 2 – thirty-six (36) to one hundred twenty (120) months concurrent with  
17               Count 1; as to Count 3 – five (5) to fifteen (15) years with a consecutive term of  
18               thirty-six (36) to ninety-six (96) months for use of a deadly weapon concurrent  
19               with Count 2; as to Count 4 – thirty-six (36) to one hundred twenty (120) months  
20               with a consecutive term of thirty-six (36) to ninety-six (96) months for use of a  
21               deadly weapon concurrent with Count 3; as to Count 5 - thirty-six (36) to one  
22               hundred twenty (120) months with a consecutive term of thirty-six (36) to ninety-  
23               six (96) months for use of a deadly weapon concurrent with Count 4; as to Count 6  
24               - thirty-six (36) to one hundred twenty (120) months with a consecutive term of  
25                 
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thirty-six (36) to ninety-six (96) months for use of a deadly weapon concurrent with Count 5; as to Count 7 - thirty-six (36) to one hundred twenty (120) months with a consecutive term of thirty-six (36) to ninety-six (96) months for use of a deadly weapon concurrent with Count 6; as to Count 8 – twelve (12) to forty-eight (48) months concurrent with Count 7; as to Count 9 – thirty-six (36) to one hundred twenty (120) months concurrent with Count 8; as to Count 10 - thirty-six (36) to one hundred twenty (120) months with a consecutive term of thirty-six (36) to ninety-six (96) months for use of a deadly weapon concurrent with Count 7; as to Count 11 - thirty-six (36) to one hundred twenty (120) months with a consecutive term of thirty-six (36) to ninety-six (96) months for use of a deadly weapon concurrent with Count 10; as to Count 13 - five (5) to fifteen (15) years with a consecutive term of thirty-six (36) to ninety-six (96) months for use of a deadly weapon consecutive to Count 3; and as to Count 14 - thirty-six (36) to one hundred twenty (120) months with a consecutive term of thirty-six (36) to ninety-six (96) months for use of a deadly weapon concurrent with Count 11, with six hundred two (602) days credit for time served. The aggregate total sentence was five hundred fifty-two (552) months maximum with a minimum parole eligibility of one hundred ninety-two (192) months;

(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: Colleen Savage, Esq.

Telephone: (702) 384-9800

Firm: Sgro & Roger

Address: 720 S. 7<sup>th</sup> Street, Third Floor  
Las Vegas, Nevada 89101

Client: Adrian Powell

**5. Is appellate counsel appointed or retained?**

Appointed

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

Attorney: Taleen Pandukht, Esq.

Telephone: (702) 671-2500

Firm: Clark County District Attorney's Office

Address: 200 Lewis Avenue  
Las Vegas, Nevada 89101

Client: State of Nevada

**7. Nature of disposition below:**

Denial of Order for Petition for Writ of Habeas Corpus

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

N/A

**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.

1 **10. Pending and prior proceedings in this court.** List the case name and docket number of all  
2 appeals or original proceedings presently or previously pending before this court which are  
3 related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction  
4 proceedings):

5 Lorenzo Pinkey v. The State of Nevada- 83336 (Direct Appeal)

6  
7 **11. Pending and prior proceedings in other courts.** List the case name, number and court of  
8 all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas  
9 corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

10 The State of Nevada v. Adrian Powell – C-17-327767-2

11 Adrian Powell v. The State of Nevada – A-21-839265-W

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

13 The State of Nevada filed an Information on April 29, 2005, naming Curt McLellan, as the  
14 Appellant pled guilty to multiple charges on the first day of trial. Prior to sentencing, he  
15 moved to withdraw his plea and alternate counsel was appointed. An evidentiary hearing was  
16 held on ineffective assistance of counsel. Namely, whether he was coerced into the plea  
17 based upon a series of robberies that the State agreed not to file against him in exchange for  
18 the plea. A petition was filed, oral arguments were had, and ultimately the Court denied the  
19 post-conviction writ of habeas corpus.  
20

21 **Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as  
22 necessary):  
23

24 The issues on appeal include:

- 25 1. The District Court's Order Denying Post-Conviction Writ of Habeas Corpus;  
26 2. Ineffective assistance of counsel at trial and appellate stages;  
27  
28

1 3. Failure to provide Appellant with discovery prior to entry of plea, thus coercing Appellant  
2 into said plea, specifically, Mr. Powell was coerced into giving his plea because prior  
3 counsel informed him that there were ten uncharged cases that were pending if he did not  
4 accept the plea deal.

5 4. Whether Appellant entered into the plea voluntarily, knowingly, and intelligently

6 5. Whether Appellant accepted the plea agreement based on incorrect information from his  
7 counsel regarding sentencing;  
8

9 **13. Constitutional Issues:** If the State is not a party and if this appeal challenges the  
10 constitutionality of a statute or municipal ordinance, have you notified the clerk of this court  
11 and the attorney general in accordance with NRAP 44 and NRS 30.130?

12 N/A

13  
14 **14. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth  
15 whether the matter is presumptively retained by the Supreme Court or assigned to the Court  
16 of Appeals under NRAP 17 and cite the subparagraph(s) of the Rule under which the matter  
17 falls. If appellant believes that the Supreme Court should retain the case despite its  
18 presumptive assignment to the Court of Appeals, identify the specific issues(s) or  
19 circumstance(s) that warrant retaining the case, and include an explanation of their  
20 importance or significance:  
21

22 N/A

23 **15. Issues of first impression or of public interest.** Does this appeal present a substantial legal  
24 issue of first impression in this jurisdiction or one affecting an important public interest?

25 First Impression: No

26 Public Interest: Yes  
27  
28

1 16. **Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court,  
2 how many days did the trial or evidentiary hearing last?

3 One (1) day evidentiary hearing addressing ineffective assistance of counsel when ntering  
4 guilty plea.

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

7  
8 No.

9 **TIMELINESS OF NOTICE OF APPEAL**

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

11 December 16, 2022.

12 19. Date of entry of written judgement or order appealed from:

13 December 19, 2022.

14 20. If this appeal is from an order granting or denying a petition for writ of habeas corpus,  
15 indicate the date written notice of entry of judgement or order was served by the district  
16 court:

17 December 19, 2022.

18 (a) Was service by delivery or by mail?

19 Delivery

20 21. If the time for filing the notice of appeal was tolled by a post judgement motion,

21 (a) Specify the type of motion, and the date of filing the motion:

22 (b) Date of entry of written order resolving motion:

23 N/A

24 22. Date notice of appeal filed:

25 January 11, 2022.

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.  
NRAP (4)(b) governs the time limit for filing the notice of appeal in this matter.

#### SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority that grants this court jurisdiction to review from:  
NRS 34.575

#### VERIFICATION

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

Adrian Powell  
Name of Appellant

Colleen Savage  
Name of Counsel of Record

January 25, 2023  
Date

/s/ Colleen Savage  
Signature of Counsel of Record

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CLARK COUNTY DISTRICT ATTORNEY'S OFFICE  
Taleen Pandukht, Esq, Chief Deputy District Attorney  
200 Lewis Ave. Las Vegas, NV 89101

Dated this 25<sup>th</sup> day of January, 2023.

Signature