

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

STATE OF NEVADA,
vs.
JAMES WALTER DEGRAFFENREID III,
DURWARD JAMES HINDLE III, JESSE
REED LAW, MICHAEL JAMES
MCDONALD, SHAWN MICHAEL
MEEHAN, AND EILEEN A. RICE.

No. 89064

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DOCKETING STATEMENT
CRIMINAL APPEALS
Elizabeth A. Brown
Clerk of Supreme Court

(Including appeals from pretrial and post-conviction
rulings and other requests for post-conviction relief)

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on 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.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions.

1. Judicial District Eighth Judicial Dist. Ct. County Clark County

Judge Mary Kay Holthus District Ct. Case No. C-23-379122

2. If the defendant was given a sentence,

(a) what is the sentence?

n/a

(b) has the sentence been stayed pending appeal?

n/a

(c) was defendant admitted to bail pending appeal?

n/a

3. Was counsel in the district court appointed or retained ?

4. **Attorney filling this docketing statement:**

Attorney Jeffrey M. Conner Telephone 775-684-1200

Firm Office of the Attorney General

Address: 100 N. Carson St.
Carson City, Nevada 89701

Client(s) State of Nevada

5. Is appellate counsel appointed or retained ?

If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.

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

Attorney See attached sheet Telephone _____

Firm _____

Address:

Client(s) _____

Attorney _____ Telephone _____

Firm _____

Address:

Client(s) _____

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below:

- | | |
|---|--|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Grant of pretrial habeas |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant of motion to suppress evidence |
| <input type="checkbox"/> Judgment upon guilty plea | <input type="checkbox"/> Post-conviction habeas (NRS ch. 34) |
| <input checked="" type="checkbox"/> Grant of pretrial motion to dismiss | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> Parole/probation revocation | <input type="checkbox"/> Other disposition (specify): |
| <input type="checkbox"/> Motion for new trial | |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | |
| <input type="checkbox"/> Motion to withdraw guilty plea | |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | |

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

- | | |
|---|---|
| <input type="checkbox"/> death sentence | <input type="checkbox"/> juvenile offender |
| <input type="checkbox"/> life sentence | <input type="checkbox"/> 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?

- Yes No

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

n/a

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

C-23-379122-1; C-23-379122-2; C-23-379122-3; C-23-379122-4; C-23-379122-5;
C-23-379122-6

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

The district court dismissed an indictment that charged each of the six respondents with one count of Offering False Instrument For Filing Or Recoding, a category C felony in violation of NRS 239.330, and one count of Uttering Forged Instruments: Forgery, a category D felony in violation of NRS 205.110.

The district court granted a motion to dismiss the indictment because Clark County was not a proper venue under NRS 171.030.

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

See attached sheet.

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

If not, explain:

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 issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case is presumptively assigned to the Court of Appeals under NRAP 17(b)(2)(A) and NRAP 17(b)(11). But the Supreme Court should retain this case under NRAP 17(a)(11) and NRAP 17(a)(12) because the case presents issues that are matters of first impression and of "statewide public importance." Moreover, this case calls for expedited treatment under NRAP 2 for the reasons the State will explain in a motion for expedited consideration of appeal.

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?

_____ days

18. Oral argument. Would you object to submission of this appeal for disposition without oral argument?

Yes No

TIMELINESS OF NOTICE OF APPEAL

19. Date district court announced decision, sentence or order appealed from Jun 21, 2024

20. Date of entry of written judgment or order appealed from Jul 26, 2024

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

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

(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,

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

Arrest judgment _____ Date filed _____

New trial (newly discovered evidence) _____ Date filed _____

New trial (other grounds) _____ Date filed _____

(b) Date of entry of written order resolving motion _____

23. Date notice of appeal filed Jul 26, 2024

24. 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)(1)(B); NS 177.015(1)(b)

SUBSTANTIVE APPEALABILITY

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

NRS 177.015(1)(b) <u> x </u>	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.560(2) _____
NRS 177.015(3) _____	Other (specify) _____
NRS 177.055 _____	

VERIFICATION

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

State of Nevada
Name of appellant

Jeffrey M. Conner
Name of counsel of record

07/31/2024
Date

/s/ Jeffrey M. Conner
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 31st day of 20 24 , I served a copy of this completed docketing statement upon all counsel of record:

By personally serving it upon him/her; or

By mailing it by first class mail with sufficient postage prepaid to the following address(es):

See attachment for addresses of Respondents' counsel.

Dated this 31st day of July , 2024 .

/s/ Amanda White
Signature

6. Attorneys representing respondents

George P. Kelesis
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Client: Eileen A. Rice

13. Issues on appeal:

(1) Under the plain language of NRS 171.030, does the presentation of evidence establishing that the Defendants mailed a false or forged instrument to the United States District Court for the District of Nevada in Las Vegas, Clark County, Nevada, establish venue in Clark County for the crime of offering false instrument for filing or recording?

(2) Under the plain language of NRS 171.030, does the presentation of evidence that then Secretary of State Barbara Cegavske was in Las Vegas, Clark County, Nevada when she learned that the Defendants sent a false or forged instrument to her office in Carson City, Nevada establish venue in Clark County for the crime of offering false instrument for filing or recording?

(3) Under the plain language of NRS 171.030, does the presentation of evidence that the Defendants mailed a forged instrument to the Chief Judge of United State District Court for the District of Nevada in Las Vegas, Clark County, Nevada establish venue in Clark County for the crime of uttering a forged instrument.

(4) Under the plain language of NRS 171.030, does the presentation of evidence that then Secretary of State Barbara Cegavske was in Las

Vegas, Clark County, Nevada when she learned about the contents of a forged instrument the Defendants mailed to the Secretary of State's office in Carson City, Nevada establish venue in Clark County for the crime of uttering a forged instrument.

(5) Under the plain language of NRS 171.030, because the Defendants are alleged to have engaged in a conspiracy to commit the charged offenses, does the presentation of evidence that any one of the Defendants' acts in furtherance of the conspiracy (1) that occurred within in Clark County, or (2) had an effect in Clark County, establish that venue is proper Clark County?