

● ORIGINAL ●

In the Supreme Court of the State of Nevada

FILED

JUL 12 2002

INDICATE FULL CAPTION:

ASHLEY WILLIAM BENNETT

Appellant(s),

VS.

THE STATE OF NEVADA

Respondent(s).

Supreme Court No. 39864
District Court No. CI75914

BY S. Young
DEPUTY CLERK

DOCKETING STATEMENT
CRIMINAL APPEALS

(Including pretrial and post-conviction habeas corpus, and petitions for post-conviction relief)

GENERAL INFORMATION

1. Judicial District EIGHTH County CLARK
Judge MICHAEL L. DOUGLAS District Ct. Docket No. C175914

IN ADDITION TO THE \$25.00 ADMINISTRATIVE ASSESSMENT FEE,

2. If the defendant was given a sentence, THE DEFENDANT IS SENTENCED TO LIFE WITHOUT THE POSSIBILITY OF PAROLE IN THE NEVADA DEPT. OF CORRECTIONS PLUS AN EQUAL & CONSECUTIVE TERM OF LIFE WITHOUT THE POSSIBILITY OF PAROLE FOR THE USE OF A DEADLY WEAPON; SUBMIT TO DNA TESTING TO DETERMINE GENETIC MARKERS AND PAY \$150.00 DNA FEE. PAY RESTITUTION JOINTLY & SEVERALLY WITH CO-OFFENDERS MORRISON & GANTT (\$30,432.06)
- (a) what is the sentence? THE DEFENDANT IS SENTENCED TO LIFE WITHOUT THE POSSIBILITY OF PAROLE IN THE NEVADA DEPT. OF CORRECTIONS PLUS AN EQUAL & CONSECUTIVE TERM OF LIFE WITHOUT THE POSSIBILITY OF PAROLE FOR THE USE OF A DEADLY WEAPON; SUBMIT TO DNA TESTING TO DETERMINE GENETIC MARKERS AND PAY \$150.00 DNA FEE. PAY RESTITUTION JOINTLY & SEVERALLY WITH CO-OFFENDERS MORRISON & GANTT (\$30,432.06)
- (b) has the sentence been stayed pending appeal? NO
- (c) was defendant admitted to bail pending appeal? NO

3. Was trial or post-conviction counsel appointed X or retained _____?

- 4. Attorney filing this docketing statement:**

Attorney STANLEY A. WALTON, ESQ. Telephone (702)383-8112
 Firm STANLEY A. WALTON, ATTORNEY AT LAW
 Address 550 E. CHARLESTON, BLVD., SUITE A
LAS VEGAS, NEVADA 89104
 Client(s) ASHLEY WILLIAM BENNETT

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.

5. Attorney(s) representing respondent(s): **N/A**

Attorney.....Telephone.....
Firm.....
Address.....
.....
Client(s).....

Attorney.....Telephone.....
 Firm.....
 Address.....
 Client(s).....

JUL 12 2002
 JANETTE M. BLOOM
 CLERK OF SUPREME COURT

(List additional counsel on separate sheet if necessary)

02-11951

6. Nature of disposition below

- ☐ Judgment after bench trial
- ☒ Judgment after jury verdict
- ☐ Judgment upon guilty plea
- ☐ Grant of pretrial motion to dismiss
- ☐ Parole/Probation revocation
- ☐ Motion for new trial
 - ☐ grant
 - ☒ denial
- ☐ Motion to withdraw guilty plea
 - ☐ grant
 - ☐ denial

- ☐ Grant of pretrial habeas
- ☐ Grant of motion to suppress evidence
- ☐ Post-conviction relief (NRS ch. 177)
 - ☐ grant
 - ☐ denial
- ☐ Post-conviction habeas (NRS ch. 34)
 - ☐ grant
 - ☐ denial
- ☐ Other disposition (specify).....
.....
.....

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

- ☐ death sentence
- ☒ life sentence
- ☐ juvenile offender
- ☐ pretrial proceedings

8. 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.....**X**.....

9. 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):

NONE

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

NONE

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

DEFENDANT WAS CONVICTED OF MURDER WITH USE OF A DEADLY WEAPON IN FIRST DEGREE AND WAS SENTENCED PURSUANT TO THE JUDGMENT AFTER JURY VERDICT ON MARCH 3, 2002.

12. No Merit Appeal. If appellant was the defendant below, does counsel intend to file an affidavit of no merit appeal pursuant to Anders v. California, 386 U.S. 738 (1967) and Sanchez v. State, 85 Nev. 95, 450 P.2d 793 (1969)?

Yes.....No.....**X**.....

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

1. **WHETHER THE STATE PRODUCED SUBSTANTIAL, CREDIBLE EVIDENCE THAT BENNETT WAS THE SOURCE OF THE ALLEGED WITNESS INTIMIDATION.**
2. **IS A NEW TRIAL WARRANTED DUE TO THE COURT'S FAILURE TO CONDUCT A PRETRIAL PETROCELLI HEARING AND TO GIVE THE PROPER LIMITING INSTRUCTION ON THE ALLEGED WITNESS INTIMIDATION.**
3. **DID THE STATE FAIL TO PRODUCE IMPEACHMENT EVIDENCE REGARDING A KEY WITNESS.**
4. **WAS THE APPELLANT DENIED A FAIR TRIAL BY LIMITING THE TESTIMONY OF LAKIESHA REED AND REGINALD FOBBS.**
5. **WHETHER A FAIR AND IMPARTIAL JURY WAS EMPANELED DO TO THE FACT THAT PROSPECTIVE JURORS WERE NOT ADVISED THAT THE PUNISHMENT WOULD BE DOUBLED IF THE JURY FOUND THAT A WEAPON WAS USED.**
6. **DISTRICT COURT ERRED WHEN IT DENIED THE APPELLANT'S MOTION FOR NEW TRIAL.**

14. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, 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. **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 ☒

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

.....10.....days

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

Yes.....No ☒

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from..... JUNE 18, 2002

19. Date of entry of written judgment or order appeal from..... JUNE 28, 2002

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

N/A

20. 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..... **N/A**

(a) Was service by delivery or by mail..... **N/A**.....(specify).

21. If the time for filing the notice of appeal was tolled by a post-judgment motion,
N/A

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

Arrest judgment.....Date filed.....

New trial.....Date filed.....

(newly discovered evidence)

New trial.....Date filed.....

(other grounds)

(b) Date of entry of written order resolving motion..... **N/A**

22. Date notice of appeal filed..... **JUNE 28, 2002**

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.710, NRS 34.815, NRS 177.015(2), or other..... **NRS 177.015 (1)(b) NRAP (4) (b) (1)**

SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority which grants this court jurisdiction to review the judgment or order appealed from:

NRS 177.015(1)(b)..... **X**

NRS 177.015(2).....

NRS 177.055.....

NRS 177.385.....

NRS 34.710(3).....

NRS 34.710(4).....

NRS 34.815

Other (specify) **NRAP (4) (b) (1)**

VERIFICATION

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

ASHLEY WILLIAM BENNETT

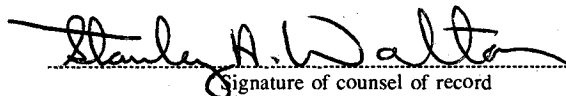
.....
Name of appellant

JULY 8, 2002

.....
Date

STANLEY A. WALTON, ESQ.

.....
Name of counsel of record



.....
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 11th day of July, 2002, 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):

NEVADA STATE SUPREME COURT
201 S. CARSON STREET, #201
CARSON CITY, NEVADA 89701

Dated this 11th day of JULY, 2002



Signature