

03-13371

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...X.....No.....

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):

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:

On April 22, 2002, the Parkway Inn in Las Vegas, Nevada was robbed. The robber approached the female counter-clerk and demanded money. He took approximately \$1,051.00 placed it into his pocket and exited the building. A short time later a police officer patrolling a truck stop noticed Appellant. The officer confronted Appellant, told him of the robbery and said Appellant matched the description of the robber. Appellant ran away but was later apprehended. The victim clerk positively identified Appellant as the robber.

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 completely the principal issue(s) in this appeal:

1. Whether Appellant was properly adjudicated as a habitual criminal.

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.....X.....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...X.....

Public interest: Yes.....No...X.....

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

.....3.....days

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

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

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from.....April 30, 2003.....

19. Date of entry of written judgment or order appeal from.....May 15, 2003.....

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

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.....

(a) Was service by delivery or by mail.....(specify).

21. 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.....Date filed.....

(newly discovered evidence)

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

(other grounds)

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

22. Date notice of appeal filed May 22, 2003.....

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. NRAP 4(b).....

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).....

VERIFICATION

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

Gregory Scott Hermanski,
a/k/a Robert James Day

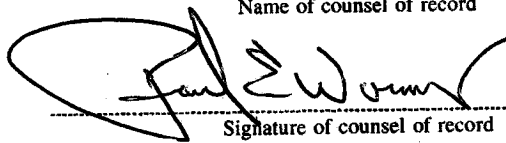
Name of appellant

July 29, 2003

Date

Paul E. Wommer, Esq.

Name of counsel of record



Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 6th day of August, 2003, 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):

David Roger
Clark County District Attorney's Office
200 South Third Street
7th Floor
Las Vegas, Nevada 89155

Dated this 6th day of August, 2003

Bes Rashbaum
Signature

Also Licensed in Pennsylvania

PAUL E. WOMMER

A Professional Law Corporation

625 South Sixth Street • Las Vegas, Nevada 89101

Telephone: (702) 388-8817 & 388-8818 • Facsimile: (702) 388-8819

August 2, 2003

Clerk of Supreme Court of Nevada
201 S. Carson St., Ste. 210
Capitol Complex
Carson City, Nevada 89710

Re: Robert James Day v. State of Nevada,
Case No. 41405

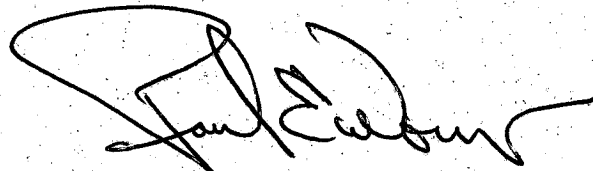
Dear Ms. Clerk:

Enclosed please find an original and three copies of the docketing statement in the
above-referenced appeal. Please file and return a file- stamped copy to me. *no return
envelope*

Thank you very much for your time and consideration.

SY 8-11-03

Sincerely,



PAUL E. WOMMER, ESQ.

PEW/bsr

Enclosure: As stated

