

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

FREDERICK HARRIS
Appellant

vs.

THE STATE OF NEVADA
Respondent

No. 69093

Electronically Filed
Nov 10 2015 12:32 p.m.

Tracie K. Lindeman

DOCKETING STATEMENT
CRIMINAL APPEALS

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

GENERAL INFORMATION

1. Judicial District Eighth County Clark
Judge Michelle Leavitt District Ct Case No. C291374

2. If the defendant was given a sentence,

(a) what is the sentence?

See attached Page

(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 ?

4. Attorney filing this docketing statement:

Attorney Christopher R. Oram Esq. Telephone (702)598-1471

Firm: Christopher R. Oram LTD.

Address:

Client(s) Frederick Harris

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 Steve Wolfson Telephone (702) 671-2500
Firm: District Attorney
Address: 200 Lewis Avenue
Las Vegas, Nevada 89101

Client(s) State of Nevada

Attorney Adam Paul Laxalt Telephone _____
Firm: Attorney General
Address: 100 North Carson Street
Carson City, Nevada 89701-4717

Client(s) State of Nevada

(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 checked="" 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 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:

- death sentence
 life sentence

- juvenile offender
 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):

None that Counsel is aware

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):

None that counsel is aware.

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

Mr. Harris was sentenced on October 27, 2015. Mr. Harris' Judgment of Conviction has not been filed. Mr. Harris appeals to the Nevada Supreme Court from his judgment and sentence.

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:
Mr. Harris reserves the right to address issues as they may arise.

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. **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 or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

14 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 10/27/2015

19. Date of entry of written judgment or order appeal from not entered as of this date.

(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 by the district court

(a) Was service by delivery or by mail .

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 10/27/2015

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

SUBSTANTIVE APPEALABILITY

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

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.575(2) _____
NRS 177.015(3) _____	Other (specify) <u>NRAP 4(b)</u> _____
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.

Frederick Harris
Name of appellant

Christopher R. Oram Esq.
Name of counsel of record

November 10, 2015
Date


Signature of counsel of record

CERTIFICATE OF SERVICE

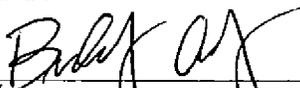
I certify and affirm that this document was filed electronically with the Nevada Supreme Court 12th day of November, 2015. Electronic Service of the foregoing document shall be made in the accordance with Master Service list as follow:

ADAM PAUL LAXALT
Nevada Attorney General

STEVE OWENS
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:


An Employee of Christopher R. Oram, Esq.

REGISTER OF ACTIONS

CASE NO. C-13-291374-1

State of Nevada vs Frederick Harris Jr

§
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§

Case Type: **Felony/Gross
Misdemeanor**
Date Filed: **07/23/2013**
Location: **Department 12**
Cross-Reference Case
Number: **C291374**
Defendant's Scope ID #: **972945**
ITAG Booking Number: **1300009686**
ITAG Case ID: **1471427**
Lower Court Case # Root: **13F02924**
Lower Court Case Number: **13F02924X**
Supreme Court No.: **69093**

PARTY INFORMATION

Defendant **Harris Jr, Frederick Harold** *Also Known As* **Harris, Fredrick
Harold, Jr.**

Lead Attorneys
Betsy Allen
Retained
702-386-9700(W)

Plaintiff **State of Nevada**

Steven B Wolfson
702-671-2700(W)

10/27/2015

Sentencing (8:30 AM) (Judicial Officer Leavitt, Michelle)

Minutes

09/01/2015 8:30 AM

10/27/2015 8:30 AM

- By virtue of Jury Verdict returned in this matter, DEFT.
FREDERICK HAROLD HARRIS ADJUDGED GUILTY OF
COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER
FOURTEEN YEARS OF AGE (F); COUNT 3 - SEXUAL
ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
AGE (F); COUNT 4 - LEWDNESS WITH A CHILD UNDER
THE AGE OF 14 (F); COUNT 5 - LEWDNESS WITH A CHILD
UNDER THE AGE OF 14 (F); COUNT 6 - SEXUAL ASSAULT
WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);
COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE
OF 14 (F); COUNT 8 - SEXUAL ASSAULT WITH A MINOR
UNDER FOURTEEN YEARS OF AGE (F); COUNT 9 -
SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN
YEARS OF AGE (F); COUNT 10 - SEXUAL ASSAULT WITH
A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT
11 - SEXUAL ASSAULT WITH A MINOR UNDER
FOURTEEN YEARS OF AGE (F); COUNT 12 - LEWDNESS
WITH A CHILD UNDER THE AGE OF 14 (F); COUNT 13 -
SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN
YEARS OF AGE (F); COUNT 14 - SEXUAL ASSAULT WITH
A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT
16 - CHILD ABUSE, NEGLECT OR ENDANGERMENT (F);
COUNT 19 - FIRST DEGREE KIDNAPPING (F); COUNT 20 -
LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F);
COUNT 21 - SEXUAL ASSAULT WITH A MINOR UNDER
FOURTEEN YEARS OF AGE (F); COUNT 22 - SEXUAL
ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
AGE (F); COUNT 23 - COERCION (SEXUALLY
MOTIVATED) (F); COUNT 24 - ADMINISTRATION OF A
DRUG TO AID IN THE COMMISSION OF A CRIME (F);
COUNT 25 - FIRST DEGREE KIDNAPPING (F); COUNT 26 -
SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN
YEARS OF AGE (F); COUNT 28 - FIRST DEGREE
KIDNAPPING (F); COUNT 29 - SEXUAL ASSAULT WITH A
MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 31 -
SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN

YEARS OF AGE (F); COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 36 - SEXUAL ASSAULT (F); COUNT 37 - FIRST DEGREE KIDNAPPING (F); COUNT 38 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (F); COUNT 39 - SEXUAL ASSAULT (F); COUNT 40 - SEXUAL ASSAULT (F); COUNT 41 - SEXUAL ASSAULT (F); COUNT 42 - PANDERING (F); AND, COUNT 44 - LIVING FROM THE EARNINGS OF A PROSTITUTE (F); COUNTS 1, 15, 17, 18, 27, 30, 32, 43, AND 45 ARE DISMISSED. Ms. Luzaich indicated the Pre-Sentence Investigation (PSI) Report was incorrect on what the potential sentences are, as no legislature changes were reflected in this Report on Counts. Thereafter, Ms. Luzaich provided the potential sentences for the Counts; and argued imposition of sentencing. Arguments by Ms. Allen. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Def. SENTENCED as follows: COUNT 2 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 3 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 4 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 5 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 6 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 7 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 8 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 9 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 10 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 11 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 12 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 13 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 14 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 16 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 19 - LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS in the Nevada Department of Corrections (NDC); COUNT 20 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 21 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 22 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 23 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 24 - to a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); COUNT 25 - LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS in the Nevada Department of Corrections (NDC); COUNT 26 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 28 - LIFE

with a MINIMUM Parole Eligibility of FIVE (5) YEARS in the Nevada Department of Corrections (NDC); COUNT 29 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 31 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 33 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 34 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 35 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 36 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 37 - LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS in the Nevada Department of Corrections (NDC); COUNT 38 - LIFE with a MINIMUM Parole Eligibility of TWO (2) YEARS in the Nevada Department of Corrections (NDC); COUNT 39 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 40 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 41 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 42 - to a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); and COUNT 44 - to a MINIMUM of EIGHTEEN (18) MONTHS and a MAXIMUM of FORTY EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); COUNTS 2, 3, 6, 8, 9, 10, 11, 13, and 14 are to run CONCURRENT with each other; COUNT 21 to run CONSECUTIVE to COUNT 22; COUNTS 4, 5, 7, 12, and 20 are to run CONCURRENT with each other and to the other Counts; COUNT 16 to run CONCURRENT to the other Counts; COUNTS 19, 25, 28, and 37 are to run CONCURRENT with each other and to the other Counts; COUNT 23 to run CONCURRENT to the other Counts; COUNT 24 to run CONCURRENT to the other Counts; COUNTS 26, 29, 31, 33, 34, and 35 are to run CONCURRENT with each other and CONSECUTIVE to the other Counts; COUNTS 36, 39, 40, and 41 are to run CONCURRENT with each other; COUNT 38 to run CONCURRENT to the other Counts; and, COUNT 42 to run CONSECUTIVE to COUNT 44, with NINE HUNDRED SEVENTY NINE (979) DAYS CREDIT FOR TIME SERVED. Def't's AGGREGATE TOTAL SENTENCE is LIFE with a MINIMUM sentence of NINE HUNDRED EIGHTEEN (918) MONTHS. Pursuant to statute, Def. is to register as a sex offender in accordance with NRS 179D.460 within 48 hours upon release from custody; and, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. Ms. Allen requested to file a Motion in open Court on behalf of Mr. Oram for purposes of appeal; and COURT SO ORDERED. Def't's Motion To Place On Calendar To Request Transcripts For Direct Appeal At The State's Expense FILED IN OPEN COURT. Court GRANTED the Motion. Mr. Oram, counsel for Def. for appellate proceedings to submit an order. BOND, if any, EXONERATED. NDC