



ORIGINAL

In the Supreme Court of the State of Nevada

FILED

INDICATE FULL CAPTION:

BRENDAN JAMES NASBY

Appellant(s),

vs.

THE STATE OF NEVADA

Respondent(s).

No. 35319

DEC 29 1999

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY C. Alvarado
DEPUTY CLERK

DOCKETING STATEMENT

CRIMINAL APPEALS

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

GENERAL INFORMATION

- Judicial District Eighth County Clark
Judge Mark Gibbons District Ct. Docket No. C154293
- If the defendant was given a sentence,
(a) what is the sentence? Count 1-- 124 months with minimum parole eligibility of 48 months. Count 2-- Life with the possibility of parole plus an equal and consecutive term of Life with the possibility of parole. Count 1 and 2 to run consecutive with 480 days CTS.
(b) has the sentence been stayed pending appeal? NO.
(c) was defendant admitted to bail pending appeal? NO.
- Was trial or post-conviction counsel appointed.....or retained..XX.....?

4. Attorney filing this docketing statement:

Attorney Frederick A. Sanatcroce, Esq. Telephone (702) 598-1666
Firm Law Office of Frederick A. Sanatcroce
Address 330 S. Third Street, Las Vegas, Nevada 89101Client(s) Brendan James Nasby

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).....

(List additional counsel on separate sheet if necessary)

99-13335

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..XX.....

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):

The State of Nevada v. Brendan James Nasby; District Court
Case No. C154293.

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): N/A.

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

Open Murder with the use of a deadly weapon; Conspiracy to commit murder with the use of a deadly weapon.

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..XX.....

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

1. The States use of coerced testimony.
2. No cooborating evidence.
3. The Court erred in denying defendants request to continue trial to obtain expert.
4. Not sufficent evidence to convict.
5. Denial of defense jury instructions.

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. XX 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. XX

Public interest: Yes.....No. XX

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

6.....days

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

Yes.....No. XX

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from 10/18/99

19. Date of entry of written judgment or order appeal from 12/2/99

(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. N/A.

(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, 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.....

22. Date notice of appeal filed 12/14/99.

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).....

NRS 177.015(2).....

NRS 177.055.....

NRS 177.385.....

NRS 34.710(3).....

NRS 34.710(4).....

NRS 34.815

Other (specify) 177.015(3).

VERIFICATION

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

Brendan James Nasby

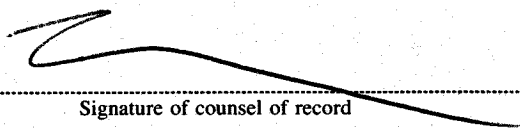
Name of appellant

12-27-99

Date

Frederick A. Santacroce, Esq.

Name of counsel of record



Signature of counsel of record

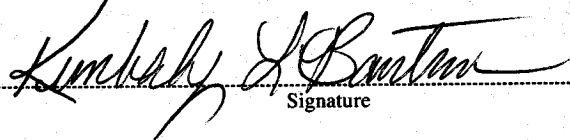
CERTIFICATE OF SERVICE

I certify that on the 27th day of December, 1999, 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):

Dated this 27th day of December, 1999.


Signature

