

SUPREME COURT OF NEVADA

State v. Seka

137 Nev. Adv. Op. 30 (Nev. 2021) · No. 80925 · Decided July 8, 2021

SUMMARY

This document is a Nevada Supreme Court opinion in a criminal appeal involving the State of Nevada and John Joseph Seka. The court issued an authored opinion on July 8, 2021, reversing the lower-court judgment. The court later denied rehearing and en banc reconsideration, and remittitur issued in November 2021.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Silver; Justice Parraguirre; Justice Stiglich
JURISDICTION	Nevada
DECIDED	July 8, 2021
DOCKET	80925
DISPOSITION	reversed
PROCEDURAL POSTURE	The State of Nevada appealed a decision of the Eighth Judicial District Court of Nevada to the Supreme Court of Nevada.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion
PARTIES	The State of Nevada v. John Joseph Seka

TOPICS

criminal procedure

appellate procedure

PRACTICE AREAS

criminal law

criminal appellate procedure

PROCEDURAL HISTORY

The appeal was docketed in the Supreme Court of Nevada in April 2020. After briefing and oral argument on April 15, 2021, the court issued an opinion reversing the lower-court decision. The court denied rehearing and later denied en banc reconsideration; remittitur issued on November 2, 2021.

DISPOSITION

reversed

OPINION

PER CURIAM.

80925: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 21-19533: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed.

Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 80925 Short Caption:STATE VS. SEKA (JOHN)Court:Supreme Court Related Case(s):37907, 37937, 44690, 45096 Lower Court Case(s):Clark Co. - Eighth Judicial District - C159915Classification:Criminal Appeal - Life - Other Disqualifications:Case Status:Remittitur Issued/Case Closed Replacement:Panel Assigned: En Banc To SP/Judge:SP Status: Oral Argument:04/15/2021 at 11:00 AMOral Argument Location:Las Vegas Submission Date:04/15/2021How Submitted:After Oral Argument + Party Information RoleParty NameRepresented By AppellantThe State of NevadaAlexander G. Chen (Clark County District Attorney) John T. Fattig (Clark County District Attorney) Aaron D. Ford (Attorney General/Carson City) RespondentJohn Joseph SekaPaola M. Armeni (Clark Hill PLC) Jennifer Springer Docket Entries DateTypeDescriptionPending?Document 04/06/2020Filing FeeAppeal Filing Fee waived.

Criminal. (SC) 04/06/2020Notice of Appeal DocumentsFiled Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.) (SC)20-12894 05/12/2020Notice/OutgoingIssued Notice to File Docketing Statement. Due date: 10 days. (SC).20-18079 05/22/2020MotionFiled Appellant's Motion for Enlargement of Time to File Docketing Statement.

(SC).20-19621 05/26/2020Docketing StatementFiled Docketing Statement Criminal Appeals. (SC).20-19773 05/27/2020Order/ProceduralFiled Order Granting Motion. Appellant's untimely motion for an extension of time to file the docketing statement is granted.

The docketing statement was filed on May 26, 2020. (SC)20-19997 08/04/2020MotionFiled Appellant's Motion for Enlargement of Time (Opening Brief). (SC)20-28341

08/04/2020Notice/OutgoingIssued Notice Motion/Stipulation Approved. Appellant's Opening Brief is due: 09/03/20. (SC)20-28485 09/03/2020BriefFiled Appellant's Opening Brief. (PORTIONS OF PAGES 8, 41, AND 45 STRICKEN PER 10/22/20 ORDER.)

(SC)20-32639 09/03/2020AppendixFiled Appellant's Appendix - Volume 1. (SC)20-32640 09/03/2020AppendixFiled Appellant's Appendix - Volume 2. (SC)20-32643 09/03/2020AppendixFiled Appellant's Appendix - Volume 3. (SC)20-32644 09/03/2020AppendixFiled Appellant's Appendix - Volume 4. (SC)20-32645 09/03/2020AppendixFiled Appellant's Appendix - Volume 5. (SC)20-32646 09/03/2020AppendixFiled Appellant's Appendix - Volume 6.

(SC)20-32647 09/03/2020AppendixFiled Appellant's Appendix - Volume 7. (SC)20-32648 09/03/2020AppendixFiled Appellant's Appendix - Volume 8. (SC)20-32650 09/03/2020AppendixFiled Appellant's Appendix - Volume 9. (SC)20-32651 09/03/2020AppendixFiled Appellant's Appendix - Volume 10. (SC)20-32654 09/03/2020AppendixFiled Appellant's Appendix - Volume 11. (PAGES 002522 THROUGH 002598 STRICKEN PER 10/22/20 ORDER.)

(SC)20-32655 10/05/2020MotionFiled Respondent John Seka's Motion for Enlargement of Time to File Answering Brief (First Request). (SC)20-36378 10/05/2020MotionFiled Respondent John Seka's Motion to Strike Documents and Argument Outside the Record of Appeal Included in the Appellant's Opening Brief and Appendix. (SC)20-36400 10/05/2020Notice/OutgoingIssued Notice Motion/Stipulation Approved.

Respondent's Answering Brief due: November 4, 2020. (SC)20-36439 10/22/2020Order/ProceduralFiled Order Granting Motion. Appellant has moved to strike portions of the opening brief and documents from the appendix on the ground that the documents referred to were never considered by the district court in rendering its decision. No opposition has been filed.

The motion is granted. The clerk of this court shall strike from the appendix pages 002522 through 002598, and the references to those documents from the opening brief on pages 8, 41, and 45. (SC)20-38726 10/22/2020Order/ProceduralFiled Amended Order Granting Motion. Appellant has moved to strike portions of the opening brief and documents from the appendix on the ground that the documents referred to were never considered by the district court in rendering its decision.

No opposition has been filed. The motion is granted. The clerk of this court shall strike from the appendix pages 002522 through 002598, and the references to those documents from the opening brief on pages 8, 41, and 45. (SC)20-38761 11/04/2020BriefFiled Respondent John Seka's Answering Brief. (SC)20-40178 11/04/2020AppendixFiled Respondent's Appendix - Volume 1.

(SC)20-40179 12/03/2020BriefFiled Appellant's Reply Brief. (SC)20-43883 12/04/2020Case Status UpdateBriefing Completed/To Screening. (SC) 03/05/2021Order/ProceduralFiled Order Scheduling Oral Argument. this matter is scheduled for oral argument on April 15, 2021, at 11:00 a.m.

The argument will be videoconferenced. The argument shall be limited to 30 minutes. The court will use the BlueJeans videoconferencing system, which requires laptop/desktop/videoconferencing computer internet access and audio and video (web camera) capability.

In case technical difficulties develop at any time, the court will conduct the oral argument by teleconference, which will require counsel to have immediate access to a landline phone connection. Within 14 days of the date of this order, the parties shall submit to the Clerk of the Court a notice identifying the attorney(s) who will argue the case and the phone number and email address of the attorney(s).

The notice may be emailed to the court at nvscclerk@nvcourts.nv.gov. The attorneys will be required to schedule a session with the Clerk of the Court to test capabilities of the connection and video equipment approximately one week prior to argument. (SC)21-06429 03/31/2021Notice/OutgoingIssued Oral Argument Reminder Notice. (SC)21-09277 04/15/2021Case Status UpdateOral argument held this day.

Case submitted for decision. Before the Southern Nevada Panel. 80925. (SNP21-RP/LS/AS) (SC) 07/08/2021Opinion/DispositionalFiled Authored Opinion. "Reversed." Before: Parraguirre/Stiglich/Silver. Author: Silver, J. Majority: Parraguirre/Stiglich/Silver. 137 Nev. Adv. Opn. No. 30. SNP21-RP/LS/AS. (SC).21-19533 07/26/2021Post-Judgment PetitionFiled Respondent John Seka's Petition for Rehearing.

(SC)21-21527 08/09/2021Post-Judgment OrderFiled Order Denying Rehearing. "Rehearing Denied." NRAP 40(c). SNP21 - RP/LS/AS (SC)21-23080 08/23/2021Post-Judgment PetitionFiled Respondent John Seka's Petition for En Banc Reconsideration. (SC)21-24468 08/30/2021MotionFiled Motion of Nevada Attorneys for Criminal Justice for Leave to File Brief of Amicus Curiae in Support of Respondent and En Banc Reconsideration.

(SC)21-25191 08/30/2021BriefFiled Brief of Nevada Attorneys for Criminal Justice as Amicus Curiae in Support of Respondent and En Banc Reconsideration. (SC)21-25194 09/09/2021Order/ProceduralFiled Order Directing Answer to Petition for En Banc Reconsideration. Appellant's answer due: 14 days. (SC)21-26115 09/21/2021Post-Judgment PetitionFiled Appellant's Answer to Respondent's Petition for En Banc Reconsideration.

(SC)21-27283 10/07/2021Post-Judgment OrderFiled Order Denying En Banc Reconsideration. Having considered the petition on file herein, we have concluded that en banc reconsideration is

not warranted. NRAP 40A. Accordingly, we "ORDER the petition DENIED." fn1 [The motion for leave to file an amicus curiae brief in support of respondent's petition for en banc reconsideration filed by Nevada Attorneys for Criminal Justice is denied.]

Hardesty, C.J., Cadish, and Pickering, JJ., dissenting - EN BANC. (SC)21-28753 11/02/2021RemittiturIssued Remittitur. (SC)21-31438 11/02/2021Case Status UpdateRemittitur Issued/Case Closed. (SC) 11/19/2021RemittiturFiled Remittitur. Received by District Court Clerk on November 3, 2021. (SC)21-31438 Combined Case View