

SUPREME COURT OF NEVADA

Sunseri (Kevin) v. State

2021 NV 58 · No. 81551 · Decided September 23, 2021

SUMMARY

This is a Nevada Supreme Court opinion in Kevin Sunseri's criminal appeal from the Eighth Judicial District Court in Clark County. The court vacated the challenged judgment and remanded the matter with instructions; the opinion was authored by Justice Herndon and issued after oral argument before the Northern Nevada Panel.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Herndon, J.; Cadish, J.; Pickering, J.
JURISDICTION	Nevada
DECIDED	September 23, 2021
DOCKET	81551
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct criminal appeal from the Eighth Judicial District Court in Clark County, Nevada.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; 2021 NV 58; 137 Nev. Adv. Op. No. 58.
PARTIES	Kevin Sunseri v. The State of Nevada

TOPICS

- criminal procedure
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

- criminal procedure
- appellate procedure

PROCEDURAL HISTORY

Kevin Sunseri appealed from proceedings in the Eighth Judicial District Court, Clark County, case number C334808. The Nevada Supreme Court heard oral argument on July 7, 2021, then vacated the lower-court decision and remanded with instructions; remittitur issued on October 28, 2021.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The decision was vacated and remanded with instructions, but the supplied docket text does not state the specific instructions.

OPINION

PER CURIAM.

81551: 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 21-27503: 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: 81551 Short Caption:SUNSERI (KEVIN) VS. STATECourt:Supreme Court Lower Court Case(s):Clark Co. - Eighth Judicial District - C334808Classification:Criminal Appeal - Other - Direct Disqualifications:Case Status:Remittitur Issued/Case Closed Replacement:Panel Assigned: Panel To SP/Judge:SP Status: Oral Argument:07/07/2021 at 11:30 AMOral Argument Location:Carson City Submission Date:07/07/2021How Submitted:After Oral Argument + Party Information RoleParty NameRepresented By AppellantKevin SunseriKelsey L. Bernstein (Nevada Defense Group) Damian Robert Sheets (Nevada Defense Group) RespondentThe State of NevadaJohn T. Afshar (Clark County District Attorney) Alexander G. Chen (Clark County District Attorney) Aaron D. Ford (Attorney General/Carson City) Christopher J. Lalli (Clark County District Attorney) Docket Entries DateTypeDescriptionPending?Document 07/30/2020Filing FeeAppeal Filing Fee Waived.

Criminal. (SC) 07/30/2020Notice of Appeal DocumentsFiled Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement and Notice of Briefing Schedule mailed to counsel for appellant.) (SC)20-27787 08/10/2020Docketing StatementFiled Docketing Statement Criminal Appeals. (SC)20-29237 08/27/2020Notice/OutgoingIssued Notice to Request Transcripts.

Due date: 10 days. (SC)20-31710 08/30/2020MotionFiled Appellant's Motion for Extension of Time to File Transcript Request. (SC)20-31916 08/31/2020Order/ProceduralFiled Order Granting Motion. Appellant shall have until September 21, 2020, to file and serve a transcript request for or certificate that no transcript is being requested. (SC)20-32041 10/09/2020MotionFiled Appellant's Motion for Extension of Time to file Transcript Request (Second Request).

(SC)20-37142 10/09/2020Order/ProceduralFiled Order Granting Motion. Appellant's Transcript Request Form due: 7 days. (SC)20-37238 10/16/2020Transcript RequestFiled Request for Transcript of Proceedings. Transcripts requested: 09/21/18, 11/06/18, 12/11/18, 04/16/19, 05/30/19, 06/25/19, 07/18/19, 07/25/19, 08/23/19, 09/03/19, 09/26/19, 10/18/19, 11/20/19, 01/16/20, 06/25/20 and 06/30/20.

To Court Reporter: K. Schmidt, C. Georgilas and P. Slattery. (SC)20-38147 11/15/2020BriefFiled Appellant's Opening Brief. (SC).20-41633 11/15/2020AppendixFiled Appellant's Appendix Vol. I. (SC).20-41634 11/15/2020AppendixFiled Appellant's Appendix Vol. II. (SC).20-41635 11/15/2020AppendixFiled Appellant's Appendix Vol. III. (SC).20-41636 11/17/2020TranscriptFiled Notice from Court Recorder Cynthia Georgilas stating that the requested transcripts were delivered.

Dates of transcripts: 11/06/18, 12/11/18, 04/16/19, 05/30/19, 06/25/19, 07/18/19, 07/25/19, 08/23/19, 09/03/19, 09/26/19, 10/18/19, 11/20/19, 01/16/20, 06/25/20 and 06/30/20. (SC)20-41923 12/15/2020Notice/IncomingFiled Notice of Appearance (John T. Niman, Deputy District Attorney as counsel for respondent). (SC)20-45314 12/15/2020MotionFiled Respondent's Motion to Transmit Presentence Investigation Report.

(SC)20-45315 12/15/2020BriefFiled Respondent's Answering Brief. (SC)20-45316 12/23/2020Order/ProceduralFiled Order Granting Motion to Transmit Presentence Investigation Report. Due: 14 days. (SC)20-46257 12/29/2020Notice of Appeal DocumentsFiled Presentence Investigation Report (SEALED). (SC) 01/14/2021BriefFiled Appellant's Reply Brief. (SC)21-01262 01/14/2021Case Status UpdateBriefing Completed/To Screening.

(SC) 05/06/2021Order/ProceduralFiled Order Scheduling Oral Argument. This court has determined that oral argument may be of assistance in resolving this matter. Accordingly, this matter is scheduled for oral argument on July 7, 2021, at 11:30 a.m. in Carson City.

The argument shall be limited to 30 minutes. (SC)21-13072 06/23/2021Notice/OutgoingIssued Oral Argument Reminder Notice. (SC)21-18050 07/06/2021Notice/IncomingFiled Respondent's Notice of Appearance Christopher Lalli. (SC)21-19321 07/07/2021Case Status UpdateOral argument held this day. Case submitted for decision.

Before the Northern Nevada Panel. 81551. (NNP21-EC/KP/DH) (SC) 09/23/2021Opinion/DispositionalFiled Authored Opinion. "Vacated and remanded with

instructions." Before: Cadish/Pickering/Herndon. Author: Herndon, J. Majority: Cadish/Pickering/Herndon. 137 Nev. Adv. Opn. No. 58. NNP21-EC/KP/DH. (SC).21-27503 10/12/2021Order/Clerk'sFiled Order Granting Telephonic Extension.

Appellant's Petition for Rehearing due: October 25, 2021. (SC)21-29205 10/13/2021Order/Clerk'sFiled Corrected Order Granting Extension Per Telephonic Request. Respondent's petition for rehearing due: October 25, 2021. (SC) (ORDER IS INCORRECT AND WAS INADVERTENTLY FILED) 10/21/2021MotionFiled Appellant's Motion to Vacate Order Granting Telephonic Request for Extension of Time to File Petition for Rehearing.

(SC)21-30439 10/28/2021Order/ProceduralFiled Order. On October 12, 2021, this court issued an order granting appellant's telephonic request for an extension of time, until October 25, 2021, to file a petition for rehearing. Appellant has now filed a motion indicating that he will not be filing a petition for rehearing and requesting that this court vacate its October 12 extension order so that remittitur may issue.

To date, appellant has not filed a petition for rehearing. Accordingly, the motion is granted to the following extent. The clerk of this court shall issue the remittitur. (sc)21-31098 10/28/2021RemittiturIssued Remittitur. (SC)21-31100 10/28/2021Case Status UpdateRemittitur Issued/Case Closed. (SC) 11/19/2021RemittiturFiled Remittitur. Received by District Court Clerk on November 2, 2021.

(SC)21-31100 Combined Case View