

SUPREME COURT OF NEVADA

Ibarra (Gabriel) v. State

2018 NV 70 (Nev. 2018) · No. 69617 · Decided September 13, 2018

SUMMARY

The Nevada Supreme Court, sitting en banc, affirmed Gabriel Ibarra's conviction involving the taking of a cellular phone. The court addressed whether deceitfully asking to borrow the phone while intending to steal it constituted taking the property without the owner's consent under NRS 205.270. Justice Stiglich, joined by Chief Justice Cherry, dissented.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Pickering, J.; Douglas, J.; Gibbons, J.; Hardesty, J.; Parraguirre, J.
JURISDICTION	Nevada
DECIDED	September 13, 2018
DOCKET	69617
DISPOSITION	affirmed
PROCEDURAL POSTURE	Criminal appeal following Supreme Court of Nevada review of a Court of Appeals order vacating the district court judgment and remanding the matter.
PRECEDENTIAL VALUE	Published opinion; en banc
PARTIES	Gabriel Ibarra v. The State of Nevada

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate law

QUESTIONS PRESENTED

- Whether deceit in obtaining possession of a cellular phone while intending to steal it renders the taking without the other person's consent under NRS 205.270.

FACTUAL BACKGROUND

The full opinion text and factual discussion are not included in the source document. The docket indicates that the Supreme Court directed supplemental briefing on whether Ibarra's deceit in asking to borrow a cellular phone while intending to steal it rendered the taking without the owner's consent under NRS 205.270.

PROCEDURAL HISTORY

Ibarra appealed from a judgment in Clark County District Court. The matter was initially transferred to the Nevada Court of Appeals, which vacated the judgment and remanded. The State petitioned for review; the Supreme Court of Nevada granted review, ordered supplemental briefing concerning NRS 205.270, conducted en banc oral argument, and affirmed on September 13, 2018.

DISPOSITION

affirmed