

SUPREME COURT OF NEVADA

State v. Steven Daniel P.

129 Nev. 692 (2013) · Decided October 3, 2013

SUMMARY

The Nevada Supreme Court considered whether a juvenile court could dismiss a delinquency petition and refer a juvenile for informal supervision without the district attorney's written approval. Interpreting NRS 62C.230(1)(a) together with NRS 62C.200, the court held that district attorney approval was required when the alleged acts would constitute a felony or gross misdemeanor if committed by an adult. The court also held that the juvenile court's authority is limited by the Nevada Revised Statutes, reversed the juvenile court's order, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Hardesty, J.; Parraguirre, J.; Cherry, J.
JURISDICTION	Nevada
DECIDED	October 3, 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed a juvenile court order dismissing a delinquency petition and referring the juvenile for informal supervision without the district attorney's written approval.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; binding precedent in Nevada.
PARTIES	State of Nevada v. Steven Daniel P.

TOPICS

- statutory interpretation
- criminal procedure
- appellate procedure
- separation of powers

PRACTICE AREAS

- juvenile law
- criminal procedure
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether NRS 62C.230(1)(a) authorizes a juvenile court to dismiss a delinquency petition and refer a juvenile for informal supervision without the district attorney's written approval when the alleged acts would constitute a felony or gross misdemeanor if committed by an adult.
2. Whether a juvenile court's authority and discretion in overseeing juvenile matters are limited by the powers expressly granted under Title 5 of the Nevada Revised Statutes.

HOLDINGS

1. NRS 62C.230(1)(a) permits the juvenile court to dismiss a delinquency petition and refer a juvenile for informal supervision only after the requirements of NRS 62C.200 have been satisfied. When the alleged acts would constitute a felony or gross misdemeanor if committed by an adult, those requirements include written approval from the district attorney.
2. The specific approval language in NRS 62C.230(1)(b), concerning supervision and consent decrees, does not eliminate the district attorney's written-approval requirement incorporated into NRS 62C.230(1)(a).
3. The juvenile court's authority and discretion are limited by the powers expressly granted under Title 5 of the Nevada Revised Statutes. The court therefore exceeded its statutory authority by dismissing the petition and referring Steven for informal supervision without the required district-attorney approval.

KEY QUOTATIONS

“Statutory interpretation is a question of law subject to de novo review.” (129 Nev. at 696)

“Here, under the plain language of NRS 62C.230(1)(a), we conclude that the juvenile court may dismiss the State’s petition and refer a juvenile for informal supervision only upon the juvenile court’s determination that the requirements of NRS 62C.200 have been met.” (129 Nev. at 697)

“Therefore, the juvenile court’s discretion to dismiss the State’s delinquency petition and refer a juvenile for informal supervision was expressly limited by statute as we discuss above, and we conclude that the juvenile court exceeded its statutory authority here.” (129 Nev. at 700)

FACTUAL BACKGROUND

The State filed a delinquency petition alleging that Steven, a juvenile, committed burglary and conspiracy to commit burglary. The juvenile court accepted a plea agreement under which the burglary allegation was dismissed and Steven admitted the conspiracy allegation. Although the probation officer recommended formal probation and the State requested adjudication and probation, the juvenile court ultimately dismissed the petition and referred Steven for informal supervision without the district attorney's written approval.

PROCEDURAL HISTORY

The State filed a delinquency petition alleging burglary and conspiracy to commit burglary. The juvenile court accepted a plea agreement resolving the burglary allegation, but later dismissed the petition and referred Steven for informal supervision despite the absence of written approval from the district attorney. The State appealed, and the Nevada Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion.

CASES CITED

- State v. Eric A.L. (In re Eric A.L.), 123 Nev. 26, 31, 153 P.3d 32, 35 (2007)
- Hernandez v. Bennett-Haron, 128 Nev. 580, 595, 287 P.3d 305, 315 (2012)
- George J. v. State (In re George J.), 128 Nev. 345, 349, 279 P.3d 187, 190 (2012)
- Hobbs v. State, 127 Nev. 234, 237, 251 P.3d 177, 179 (2011)
- Canarelli v. Eighth Judicial Dist. Court, 127 Nev. 808, 814, 265 P.3d 673, 677 (2011)
- Stocker v. Sheehan, 786 N.Y.S.2d 126, 131 (App. Div. 2004)
- John Allan Love Charitable Found. v. United States, 540 F. Supp. 238, 244 (E.D. Mo. 1982)
- Knowles v. Holly, 513 P.2d 18, 23 (Wash. 1973)
- Hassett v. Welch, 303 U.S. 303, 314 (1938)
- State ex rel. Walsh v. Buckingham, 58 Nev. 342, 349, 80 P.2d 910, 912 (1938)
- Albios v. Horizon Communities, Inc., 122 Nev. 409, 418, 132 P.3d 1022, 1028 (2006)
- State v. Barren, 128 Nev. 337, 341, 279 P.3d 182, 184 (2012)
- Kell v. State, 96 Nev. 791, 792-793, 618 P.2d 350, 351 (1980)
- State v. Bill, 91 Nev. 275, 277, 534 P.2d 1264, 1265 (1975)