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Summary of Clay v. Eighth Jud. Dist. Ct., 129 Nev. Adv. Op. 91

Joseph Peacock
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Clay v. Eighth Jud. Dist. Ct., 129 Nev. Adv. Op. 91 (Nov. 27, 2013)[1]

CRIMINAL LAW: INSPECTION OF SEALED JUVENILE RECORDS TO FACILITATE PROSECUTION

Summary

The Court determined one issue: whether NRS 62H.170(2)(c) or NRS 62H.170(3) permits the State to inspect a defendant's sealed juvenile record to obtain information for use against that defendant in a subsequent criminal prosecution.

Disposition

Nevada law does not permit a district attorney to inspect a person's sealed juvenile records to obtain information that will be used against him or her in a subsequent proceeding..

Factual and Procedural History

The defendant is charged with two counts of first-degree murder and related offenses. The State filed a motion in juvenile court, requesting the release of the defendant's juvenile record. In the hearing on the State's motion, the defendant conceded that his juvenile record could be used during the penalty phase of his trial, and the State agreed that the records would not be used during the guilt phase.

The juvenile court's oral ruling resolved the issue of when the records could be released, but the written order unsealed and released the records "for use in the prosecution," without addressing the timing issue. Based on the discussion in juvenile court and the court's oral order, the written order was interpreted to refer only to the sentencing phase.

The defendant filed this petition for a writ of mandamus or prohibition, seeking to vacate the unsealing and release of his juvenile record.

Discussion

As a threshold issue, the Court addressed the styling of the petition, which the defendant filed as a petition seeking a writ of mandamus or prohibition. The Court may issue a writ of mandamus to correct an arbitrary or capricious exercise of discretion.[2] A writ of prohibition, on the other hand, is only available to halt a proceeding when a court lacks jurisdiction.[3] The juvenile court had proper jurisdiction to hear the State's motion to release the defendant's records. Therefore, a writ of prohibition is not available to this defendant.

However, the defendant does have the right to seek a writ of mandamus in this case. The Court has the discretion to hear a petition for an extraordinary writ and it will do so when there is an important issue of law that requires clarification.[4] In this case, the Court determined that there was an unclear and important matter of law in question. Specifically, the language of the relevant

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[1] By Joseph Peacock.
[2] Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981).
[3] NEV. REV. STAT. § 34.320 (2011).
[4] Schuster v. Eighth Judicial Dist. Court, 123 Nev. 187, 190, 160 P.3d 873, 875 (2007).

statutes is unclear as to whether the State may inspect sealed juvenile records for use in a criminal prosecution.

NRS 62H.170(3) does not authorize the juvenile court to unseal the records at issue in this case

Based on the record of the hearing, the defendant apparently based his concession—that the State may use his juvenile records—on an unspecified statute authorizing the State to use juvenile records in the sentencing phase of prosecution for defendants up to age 25. No such statute exists, but the nearest possibility is NRS 62H.170(3), which allows a district court to inspect the juvenile records of a defendant "who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding."[5]

The Court found that NRS 62H.170(3) does not apply for three reasons. First, the defendant was 22 years old when the State moved to unseal his records. The Court considered that to be the date in question for the statute, rather than the date of the offense. Second, because this is a capital case, the defendant's penalty will be imposed by a jury, not "by the court." Third, the statute only allows release of the records to the court, not to the district attorney. The defendant's concession, therefore, was in error.

NRS 62H.170(2)(c) also does not authorize inspection of the sealed juvenile records in the circumstances presented

The Court also considered NRS 62H.170(2)(c), which allows a district attorney to petition for the release a defendant's sealed juvenile records "to obtain information relating to the persons who were involved in the acts detailed in the records."[6] The statute does not specifically say that the records may be used against the defendant and the Court found the statute's language ambiguous. Accordingly, the Court considered the legislative history of NRS 62H.170(2)(c) and its predecessors to determine the legislature's intent. Based on that history, the Court concluded that NRS 62H.170(2)(c) was intended "to allow inspection of a sealed record in subsequent proceedings or events relating to codefendants or other persons involved in the matter that is the subject of the sealed juvenile records." The statute does not allow a district attorney to access the records for use against the subject of the records in a subsequent criminal proceeding.

Conclusion

Because neither NRS 62H.170(2)(c) nor NRS 62H.170(3) authorize a district attorney to inspect a defendant's sealed juvenile records for the purposes of a subsequent criminal prosecution, the juvenile court's order unsealing the defendant's records was an abuse of discretion. The Court granted the petition for extraordinary relief and issued a writ of mandamus, instructing the juvenile court to vacate its order.

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[5] Nev. Rev. Stat. § 62H.170(3) (2011).
[6] Nev. Rev. Stat. § 62H.170(2)(c) (2011).