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Grace v. The Eight Judicial District Court of the State of Nevada

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JURISDICTION; ILLEGALLY OBTAINED EVIDENCE

Summary:

This discusses whether Nevada justice courts have jurisdiction to rule on motions to suppress illegally obtained evidence. In March of 2014, the State filed a criminal complaint against LeCory Grace in the Las Vegas Justice Court. The complaint charged Grace with one count of possession of a controlled substance. At Grace's preliminary hearing, Grace orally moved to suppress evidence that may have been illegally obtained. The justice court concluded that the search was unlawful, suppressed the evidence derived from the search and dismissed the case against Grace. The State appealed the justice court's order of suppression and the Eighth Judicial District Court found in the State's favor. Grace filed a petition and sought a writ directing the district court to vacate its order ruling that justice courts in Nevada do not have authority to consider a motion to suppress where the State attempts to enter unlawfully obtained evidence.

The Court concluded justice courts have the power to suppress illegally obtained evidence because NRS 47.020 and NRS 48.025 expressly authorize justice courts to do so, NRS 171.206 and Sargent show that justice courts have limited inherent authority to do so, and NRS 189.120, A.B. 65 (2007) and A.B. 192 (2015) show that the legislature envisions justice courts have that power. Accordingly, the Court granted Grace's petition and issued a writ of mandamus directing the court to vacate its order.

Background:

In March 2014, the State filed a criminal complaint against LeCory Grace in the Las Vegas Justice Court. The complaint charged Grace with one count of possession of a controlled substance. Soon after, the justice court held a preliminary hearing. The State called Las Vegas Metropolitan Police Department Officer Allyn Goodrich. Goodrich testified that he supervised the transfer of Grace from Planet Hollywood's security office to a prisoner transport van. Goodrich did not witness the arrest and he never received or reviewed any documents regarding Grace or his arrest. Goodrich watched as another officer performed what was purportedly a search incident to Grace's arrest. During the search, Goodrich observed a baggie containing a white substance around Grace's shoe. The substance was later revealed as cocaine.

At Grace's preliminary hearing, Grace orally moved to suppress the baggie of cocaine because the State failed to introduce evidence of Grace's lawful arrest. Without a lawful arrest, officers were not entitled to perform a search incident to arrest. The State opposed the motion, arguing the justice court lacked the authority to hear and rule on suppression issues. The justice court determined that it had authority to rule on the suppression issue because the Legislature had previously rebuffed efforts to strip Nevada's justice courts of the authority to hear such matters. The justice court concluded that the search was unlawful, suppressed the evidence derived from the search and dismissed the case against Grace.

¹ By Adrienne Brantley

The State appealed the justice court's order of suppression and dismissal to the Eighth Judicial District Court. The district court found in the State's favor and concluded that Nevada's justice courts are limited jurisdiction courts. Soon after, Grace filed a petition. Grace sought a writ directing the district court to vacate its order ruling that justice courts in Nevada do not have authority to consider a motion to suppress where the State attempts to enter unlawfully obtained evidence.

Discussion:

The Nevada Supreme Court first noted that a writ of mandamus is available to compel the performance of an act which the law requires or to control an arbitrary or capricious exercise of discretion.² The Court emphasized that it was within the discretion of the Court to determine if a petition would be considered, particularly where an important issue of law requires clarification and public policy is served.³ Therefore, the Court exercised its discretion to entertain Grace's petition.

Justice courts have express authority to suppress illegally obtained evidence during preliminary hearings

In the petition, Grace argued that NRS 47.020⁴ and NRS 48.025⁵ expressly require justice courts to suppress illegally obtained evidence. The Court first stated that the Court reviews questions of statutory construction de novo⁶ and that statutory language must be given its plain meaning if it is clear and unambiguous.⁷ The Court then noted that the rules of evidence apply at preliminary hearings. Primarily, NRS 47.020(1) states that NRS Title 4, which promulgates Nevada's rules for witness and evidence, governs proceedings in the court of this State and before magistrates unless otherwise provided by rule or statute.⁸ Moreover, NRS 48.025 bars the admission of evidence that would be barred by the United States or Nevada Constitutions.⁹ Therefore, the court held that when the two statutes are read together, the statutes authorize justice courts to suppress illegally obtained evidence during preliminary hearings.¹⁰

Justice courts also have limited inherent authority to suppress illegally obtained evidence during preliminary hearings

Furthermore, the Court noted that justice courts must determine whether it appears from the evidence that there is probable cause to believe that an offense has been committed.¹¹ In a previous case, *State v. Sargent*, the Court examined the justice court's limited inherent authority.¹² The Court used *Sargent's* rationale in conjunction with NRS 171.206 and held that

² Schuster v. Eighth Judicial Dist. Court, 160 P.3d 873, 875 (Nev. 2007).

³ *Id.*

⁴ NEV. REV. STAT. § 47.020.

⁵ Nev. Rev. State § 48.025.

⁶ *State v. Sargent*, 128 P.3d 1052, 1054–56 (Nev. 2006).

⁷ *State v. Lucero*, 249 P.3d 1226, 1228 (Nev. 2011).

⁸ NEV. REV. STAT. § 47.020.

⁹ NEV. REV. STAT. § 48.025.

¹⁰ See 4 WAYNE R. LAFAVE ET AL., CRIMINAL PROCEDURE § 14.4(b) (5th ed. 2015).

¹¹ NEV. REV. STAT. § 171.206.

¹² *Sargent*, 128 P.3d at 1055.

because vetting the State's probable cause evidence is an important part of the justice courts' judicial function¹³, justice courts have authority to suppress illegally obtained evidence.

The Legislature's actions over several sessions support our conclusion.

Lastly, the Court held that NRS 189.120, A.B. 65, 74th Leg. (Nev. 2007), and A.B. 193, 78th Leg. (Nev. 2015) supported the conclusion that justice courts have express and limited inherent authority to suppress illegally obtained evidence during preliminary hearings. First, the court pointed out the NRS 189.120 plainly allows the State to appeal a justice court's suppression order, made during preliminary hearing, to the district court.¹⁴ The Court also noted that the legislative history behind the statute showed that the Legislature believed that justice courts were empowered to suppress illegally obtained evidence. Second, the Court relied on the Legislature's rejection of bills A.B. 65 and A.B. 193. Because, A.B. 65 and A.B. 193 would have barred justice courts from considering the constitutionality of evidence presented during a preliminary hearing.

Conclusion:

The Court concluded justice courts have the power to suppress illegally obtained evidence because NRS 47.020 and NRS 48.025 expressly authorize justice courts to do so, NRS 171.206 and *Sargent* show that justice courts have limited inherent authority to do so, and NRS 189.120, A.B. 65 (2007) and A.B. 192 (2015) show that the legislature envisions justice courts have that power. Accordingly, the Court granted Grace's petition and issued a writ of mandamus directing the court to vacate its order.

¹³ NEV. REV. STAT. § 171.206.

¹⁴ NEV. REV. STAT. 189.120.