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Summary of Clancy v. State, 129 Nev. Adv. Op. 89

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CRIMINAL LAW AND PROCEDURE

Summary

A three-judge panel of the Court² considered three questions: (1) whether NRS 484E.010-030³ require actual knowledge that an accident has occurred, or whether constructive knowledge is sufficient; (2) whether the definition of “involved in an accident” in the same statute is unconstitutionally vague or ambiguous; and (3) whether the evidence in this case was sufficient to support the guilty verdict handed down in the lower court.

Disposition/Outcome

(1) The statute requires actual or constructive knowledge of an accident. (2) The definition of “involved in an accident” in this statute is not unconstitutionally vague or ambiguous. (3) A rational trier of fact could have found the evidence to establish guilt beyond a reasonable doubt, and therefore the evidence is sufficient to sustain the verdict.

Factual and Procedural History

Clancy was driving to work on the freeway when he merged in front of a motorcycle, causing it to crash. According to two witnesses, his vehicle physically struck the motorcycle; a third saw the merger, but could not testify as to whether Clancy’s vehicle physically struck the motorcycle. After the motorcycle crashed, one of the witnesses saw Clancy look over his shoulder, and then accelerate away and exit the freeway, well before the exit for his workplace. A Nevada Highway Patrol officer, apprised of Clancy’s license plate number, went to Clancy’s work and saw marks on Clancy’s right rear panel, at about the height of the motorcycle. The officer then arrested Clancy.

At trial, Clancy’s expert witness opined that the marks on Clancy’s vehicle were not enough to indicate a collision between the two vehicles. The State did not provide an opposing witness, but did cross-examine the expert as to whether there could have been contact between the two vehicles that could have resulted in the motorcycle crash without causing significant damage to Clancy’s vehicle. The jury returned a guilty verdict, and Clancy appealed on the issues above.

Discussion

NRS 484E.010 requires knowledge that an accident occurred.

¹ By Jim Hoffman.

² The panel was composed of Justices Hardesty, Parraguirre, and Cherry, all three of whom concurred in the opinion written by Justice Hardesty. The appellant was represented by Justices Hardesty, Parraguirre, and Cherry, all three of whom concurred in the opinion written by Justice Parraguirre.

³ Nevada’s “Leaving the Scene of a Crime” statute. NEV. REV. STAT. §§ 484E.010-030 (2013).

By its terms, the statute does not require a particular state of knowledge. However, since strict liability offenses are generally disfavored,⁴ the Court looks to the Legislature's intent.⁵ Since the purpose of this statute is to encourage drivers to stop when they may have caused an accident, but it would be absurd to punish drivers who do not realize that an accident has occurred.⁶ However, requiring the State to prove actual knowledge would defeat the purpose of the statute, since it would encourage drivers without actual knowledge to not to stop after a potential accident, lest they incur liability. Hence, the Court held that either actual or constructive knowledge is sufficient for the scienter element.

NRS 484E.010 is not unconstitutionally vague or ambiguous.

Clancy argued that the phrase “involved in an accident” in NRS 484.010(1) is unconstitutionally vague or ambiguous, because it does not specify whether the phrase requires physical contact between two vehicles or not. A statute is unconstitutionally vague “(1) if it ‘fails to provide a person of ordinary intelligence fair notice of what is prohibited’ or (2) if it ‘is so standardless that it authorizes or encourages seriously discriminatory enforcement.’”⁷ The Court reviewed dictionary definitions, as well as interpretations of similar language in other states, and held that NRS 484.010(1) gives fair notice that it applies to a no-contact accident, and does not encourage discriminatory enforcement, and is therefore not unconstitutionally vague or ambiguous.

Evidence was sufficient to support the verdict.

Although one of the witnesses could not testify as to whether physical contact took place, NRS 484.010(1) does not require physical contact. Thus, three witnesses testified that Clancy was involved in an accident. In addition, the expert testified that there was no evidence of a collision—not that there was no accident altogether. Finally, one witness saw Clancy act in a way which could suggest he had indeed seen the accident, and was leaving the scene. Based on all of this evidence, the Court found that a reasonable trier of fact could have convicted Clancy.

Conclusion

The Court affirmed Clancy's conviction in the lower court. It held that NRS 484.010-030 require actual or constructive knowledge of an accident, and that NRS 484.010(1) does not require physical contact between two vehicles.

⁴ *Ford v. State*, 127 Nev. __, __, 262 P.3d 1123, 1127 (2011).

⁵ *Moore v. State*, 111 Nev. 659, 661, 27 P.3d 447, 449 (2001).

⁶ The Court distinguished this case, which requires ‘knowledge of an accident’, with *Detloff v. State*, which does not require ‘knowledge of bodily injury or death’ as an element under the same statute. 120 Nev. 588, 594, 97 P.3d 586, 590 (2004). In *Detloff*, the Court held that a scienter requirement for injury or death would frustrate the statute's purpose, by encouraging drivers to speed away from an accident in order to purposely avoiding gaining knowledge of bodily injury or death.

⁷ *State v. Castaneda*, 126 Nev. __, __, 245 P.3d 550, 553 (2010) (quoting *Holder v. Humanitarian Law Project*, 561 U.S. __, __, 130 S. Ct. 2705, 2718 (2010)).