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Summary of State v. Javier C., 128 Nev. Adv. Op. 50

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CRIMINAL LAW & PROCEDURE – PRISONER
FAMILY LAW – JUVENILE DELINQUENT

Summary

An appeal from a district court order dismissing a category B felony charge of battery under NRS 200.481(2)(f), finding the statute’s definition of “prisoner” was not meant to include juvenile defendants committed to a detention center for delinquency.

Disposition/Outcome

Juveniles subject to delinquency are not “prisoners” and subject to prosecution for felony battery by a prisoner under NRS 200.481(2)(f).² By law, adjudicated delinquents housed at the Nevada Youth Training Center qualify as civil custodial confinements, and therefore NRS 200.481(2)(f) does not apply to confined juvenile delinquents.

Factual and Procedural History

The State of Nevada charged respondent Javier C., an adjudicated delinquent committed to the Nevada Youth Training Center (NYTC), as an adult with battery by a prisoner under NRS 200.481(2)(f), a category B felony.

The district court granted Javier C.’s motion to dismiss the charge because Nevada’s Juvenile Justice Code, NRS Title 5, states adjudicated juvenile delinquents are not to be considered criminals.³ The district court also cited *Robinson v. State*,⁴ holding “prisoner” in terms of NRS 200.481(2)(f), only applies to criminal settings.

The State appealed.

Discussion

Justice Pickering wrote the unanimous opinion of the Court sitting in a three-justice panel. The question before the Court was whether the adjudicated juvenile delinquent confined to a civil detention center was a prisoner under the definitions applying to NRS 200.481(f)(2) and whether he could be charged and prosecuted by the State as an adult for his conduct in the juvenile detention center.

¹ By Sara Stephan.

² n.2 (Citing Hearing on S.B. 31 Before the Seante Judiciary Comm., 71st Leg. (Nev., Feb. 22, 2001)).

³ NEV. REV. STAT. 62E.010(1) & .010(1)(a) (“[a] child who is adjudicated [delinquent] is not a criminal . . . and [] juvenile proceedings are not ‘criminal in nature’”).

⁴ 17 P.3d 420, 421 (2001).

I. Standard for De Novo Review

The Court's review was de novo, because the State's appeal was based on a question of statutory construction.

II. Under NRS 200.481(2)(f), the battery committed by a prisoner cannot apply to Javier C., because he was not a "prisoner" nor a criminal, but a juvenile delinquent in civil confinement.

The State urged the Court to distinguish this case from *Robinson v. State*.⁵ In *Robinson v. State*, the defendant was confined for public drunkenness in civil protective custody pursuant to NRS 458.270.⁶ The Court found NRS 200.481(f)(2) did not apply to Robinson after beating up three of his cellmates and the State charged him with the battery by a prisoner. The Court explained that *Robinson* "limit[ed] the custodial confinements that will support battery by a prisoner to criminal custodial confinements." The State's argument failed to persuade the Court that Robinson is not applicable to Javier C.

The Court cited NRS 62E.010(1), which declares that a child adjudicated by juvenile proceedings under Title 5 is not a criminal and is not convicted. Javier C.'s confinement was deemed civil and he remains a juvenile subject to delinquency. The Court stated that unless certified as an adult, criminal proceedings under NRS 200.481(f)(2) do not apply to juvenile delinquents.

III. The rule of lenity applies to interpret any ambiguities in criminal statutes liberally and in the accused's favor.⁷

The Court explained that ambiguities in interpreting the criminal statute when prosecuting a defendant should be rule in the defendant's favor, and the Court rejected the potential interpretations raised by the State pertaining to other uses of the terms "juvenile" or "child" were uncertain.

The State relied on the detained-juvenile escape statute, which deemed a child a prisoner after caught escaping or in an attempt, but the Court rejected the argument. The Court stated that the fault with the State's argument [was] a narrow application of one such exception suggesting in general juvenile delinquents would otherwise not be considered "prisoners."

Conclusion

The Court affirmed the district court's order to dismiss the State's charges against Javier C. The Court found the district court correctly interpreted NRS 200.481(2)(f) when it found the Respondent had not qualified as a prisoner under the statute for battery, adding under the rule of

⁵ *Id.*

⁶ *Id.*

⁷ Moore v. State, 126 P.3d 508, 511 (2006).

lenity in a should lead a court to resolve any ambiguity found in interpreting the statute “defining a crime or imposing a penalty”⁸ in favor of the defendant of an ambiguous statute.

⁸ ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* 296 (West 2012).