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In the Matter of William S.,
122 Nev. Adv. Op. 38, 132 P.3d 1015 (Apr. 27, 2006)¹

FAMILY LAW – JUVENILE’S ELIGIBILITY FOR ADULT COURT

Summary

An appeal from a juvenile court certifying a minor for criminal proceedings as an adult.

Disposition/Outcome

Reversed and remanded. Rebutting the presumption to certify juveniles for adult court does not bar the juvenile court from still finding the juvenile eligible to be tried in adult court.

Factual and Procedural History

The State of Nevada filed a petition to certify fifteen-year-old William S. (hereinafter “William”) as an adult for criminal proceedings. William was charged with 18 different criminal counts stemming from a vehicular pursuit. Police observed William driving his father’s car at approximately 3:00 a.m. with the headlights off. William led police on a chase in which he ran several red traffic signals and stop signs. William also fired a gun at police several times. William was finally apprehended after fleeing from the car and leading police on a foot pursuit. In addition to recovering the gun that William fired at them, a ski mask, crowbar, and extra bullets were confiscated.

Evidence provided to the juvenile court showed that William had no prior delinquency record and that his family had a history of schizophrenia. The evidence also illustrated that William had experienced depression and paranoia and was possibly in the early stages of a psychological deterioration.

Nevada law allows juveniles to be certified for adult court proceedings. The law normally gives the juvenile court broad discretion for certification proceedings except when firearms or serious sexual offenses are involved. When a minor commits one of these serious offenses a presumption exists that the minor is eligible for adult proceedings. That presumption may be rebutted when the minor illustrates that “emotional or behavioral problems or substance abuse substantially contributed to the minor’s actions and that those problems may be treated in the juvenile court.”² The juvenile court found that William had rebutted the presumption, but still certified him for adult court.

Discussion

NRS 62B.390 provides two standards for courts to certify a minor to be tried as an adult. NRS 62B.390(1) is a discretionary standard. In order to meet this standard the juvenile must be

¹ By Richard D. Chatwin

² In re William S., 132 P.3d 1015, 1016 (Nev. 2006).

at least 14 years old and have committed a crime that would be a felony had an adult committed the act.³ The Nevada Supreme Court has provided a “decisional matrix” to be used by courts to determine whether a juvenile should be certified as an adult under this discretionary standard: “(1) the nature and seriousness of the offense; (2) the seriousness and persistency of past admitted or adjudicated criminal offenses; and (3) personal considerations such as age, maturity, character, personality, and family relationships.”⁴

NRS 62B.390(3) offers a presumption that the juvenile is eligible for adult court unless the presumption is rebutted. The presumption applies to minors who have committed a forcible sexual assault or an offense using a firearm.⁵

The Court first held that more than one reasonable interpretation of NRS 62B.390 could be determined by the language of the statute, which made the statute ambiguous.⁶ Because the statute was ambiguous, the Court was required to determine the intent of the Nevada Legislature when the statute was created.⁷ The Court first held that even if a juvenile rebuts the NRS 62B.390(3) presumption, a juvenile court may still certify a minor under NRS 62B.390(1) discretionary certification.⁸

Conclusion

Rebutting the NRS 62B.390(3) presumption to certify juveniles for adult court does not bar the juvenile court from still finding the juvenile eligible to be tried in adult court under NRS 62B.390(1).

³ NEV. REV. STAT. § 62B.390(1) (2005).

⁴ *In re William S.*, 132 P.3d at 1017 (citing *In re Matter of Seven Minors*, 664 P.2d 947, 952 (Nev. 1983)).

⁵ NEV. REV. STAT. § 62B.390(2) (2005).

⁶ *See Banks v. Sunrise Hospital*, 102 P.3d 52, 68 (Nev. 2004).

⁷ *Id.*

⁸ *In re William S.*, 132 P.3d at 1019 (citing *Anthony Lee R. v. State*, 952 P.2d 1 (Nev. 1989)).