

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE JACK
B. AMES, SENIOR JUDGE,
Respondents,
and
VINCENT HICKMAN,
Real Party in Interest.

No. 58180

FILED

APR 19 2011

GRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Wood
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

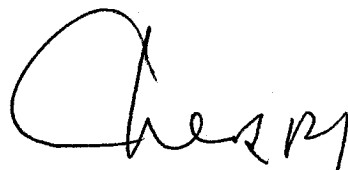
This original petition for a writ of mandamus or prohibition challenges a district court's oral ruling¹ that Nevada's rape shield statute, NRS 50.090, does not apply to proceedings under NRS Chapter 432B, and thus a minor child, who is the subject of such a proceeding based on real party in interest's alleged sexual abuse of the child and her sister, must testify regarding her sexual history.

Having considered the petition, its appendix, and the authorities cited therein, we are not persuaded that NRS 50.090 applies in NRS Chapter 432B proceeding, which is civil, when the statute's plain language refers to a "prosecution" in which the "accused" is charged with certain crimes. Sonia F. v. Dist. Ct., 125 Nev. ___, 215 P.3d 705 (2009).

¹The petition asserts that the district court refused to reduce the ruling to writing, despite petitioner's request.

Accordingly, we deny the petition. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). We nevertheless encourage the district court to narrow the child's testimony to the extent appropriate, consistent with our opinion in Sonia F., 125 Nev. at ___, 215 P.3d at 708-09.

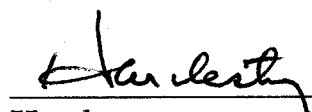
It is so ORDERED.

 _____, J.

Cherry

 _____, J.

Gibbons

 _____, J.

Hardesty

cc: Chief Judge, Eighth Judicial District Court
Hon. Jack B. Ames, Senior Judge
Clark County District Attorney/Juvenile Division
Attorney General/Carson City
Special Public Defender
Eighth District Court Clerk