

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICK SHAWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58380

FILED

FEB 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angerson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of seventeen counts of obtaining money under false pretenses from a victim 60 years of age or older and one count of exploitation of the elderly. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

Appellant Rick Shawn contends that the district court erred by denying his motion to dismiss ten counts of obtaining money under false pretenses because the prosecution of these counts was not initiated within the applicable statute of limitations. He specifically argues that because the State charged him pursuant to the obtaining money under false pretenses statute, see NRS 205.380, and not the general theft statutes, see NRS 205.0832-.0835, the three-year statute of limitations applied, see NRS 171.085(2). We disagree.

The comprehensive theft statute (NRS 205.0832) creates “a single offense embracing the separate offenses commonly known as larceny, receiving or possessing stolen property, embezzlement, obtaining property by false pretenses, issuing a check without sufficient money or credit, and other similar offenses.” NRS 205.0833(1) (emphasis added). The statute provides that a person commits theft if he knowingly and

without lawful authority “[o]btains real, personal or intangible property . . . of another person by a material misrepresentation with intent to deprive that person of the property,” and defines “material misrepresentation” as “the use of any pretense.” NRS 205.0832(1)(c). Because the comprehensive theft statute’s plain language provides that obtaining money under false pretenses constitutes theft, Shawn’s offenses were subject to the four-year statute of limitations set forth in NRS 171.085(1). See Murphy v. State, 110 Nev. 194, 199-200, 871 P.2d 916, 919 (1994), overruled on other grounds by State of Nevada v. District Court, 114 Nev. 739, 964 P.2d 48 (1998).

Having considered Shawn’s contention and concluded that it is without merit,¹ we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

¹To the extent that Shawn contends that the criminal information was insufficient because it did not cite to the theft statutes, we conclude that this contention is without merit because the information met constitutional and statutory requirements. See NRS 173.075(1) (the information must contain a “statement of the essential facts constituting the offense charged”); West v. State, 119 Nev. 410, 419, 75 P.3d 808, 814 (2003).

cc: Hon. Valorie J. Vega, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk