

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADRIAN FLORES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60807

**FILED**

**APR 09 2013**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malone*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal under NRAP 4(c) from a judgment of conviction, pursuant to a guilty plea, of conspiracy to commit robbery and battery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Appellant Adrian Flores contends that the proceedings to certify him as an adult were improper because they did not comply with the statutory requirements of NRS 62B.390 or the Juvenile Justice and Delinquency Prevention Act (JJJPA). See 42 U.S.C. §§ 5601-5792a. Flores also asserts that his waiver of the certification hearing was invalid because (1) waivers are contractually based and, as a minor, he was legally unable to enter into a contract; and (2) public policy requires that certification take place only after the State files a motion for certification and the juvenile court conducts a full investigation.<sup>1</sup> We conclude that Flores may not challenge the validity of his certification because he agreed

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<sup>1</sup>The State asserts that this claim is belied by the record because Flores did not waive his right to a certification hearing but rather only agreed not to oppose certification. The record, however, does not clearly support this assertion.

to “waive any/all appellate rights regarding certification to adult status” in his guilty plea agreement.<sup>2</sup>

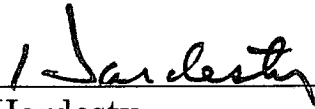
Flores also contends that his sentence violates the JJDDPA’s requirements that juvenile offenders generally be incarcerated separately from adult offenders, 42 U.S.C. § 5633(a)(13), and subject to “graduated sanctions” that include rehabilitative programs, 42 U.S.C. § 5603(24). We conclude this contention lacks merit because the cited provisions of the JJDDPA do not apply to juveniles who have been certified to stand trial as adults. 28 C.F.R. § 31.303(d)(1)(v) (states are not prohibited from detaining or confining juveniles who have been waived or transferred to the adult system in adult facilities); 61 Fed. Reg. 65132-01 response to cmt. 3(a) (Dept. of Justice, Dec. 10, 1996) (“The JJDP Act separation requirement expressly applies to juveniles who are alleged to be or found to be delinquent.”); 42 U.S.C. § 5603(24) (defining term “graduated sanctions” as used in the JJDDPA to apply to “juveniles within the juvenile justice system”); see also 18 U.S.C. § 5032 (1996) (allowing juveniles to be prosecuted as adults in federal courts); In the Matter of Seven Minors, 99 Nev. 427, 433, 664 P.2d 947, 951 (1983) (“Once in a given case transfer is decided upon . . . the youth is no longer presumed to be a child in the eyes of the law and no longer entitled to the grace provided by the Juvenile Court Act in that particular case.”), disapproved of on other grounds by

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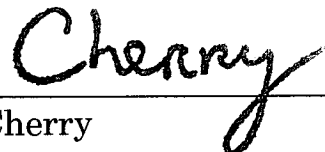
<sup>2</sup>To the extent Flores asserts that the district court lacked jurisdiction over his case due to the allegedly improper certification, we decline to address this contention because it is not supported by cogent argument or citation to authority. See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

Matter of William S., 122 Nev. 432, 442 n.23, 132 P.3d 1015, 1021 n.23  
(2006). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Elissa F. Cadish, District Judge  
Matthew D. Carling  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk