

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMAL GWYNN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RICHARD SCOTTI, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 71865

FILED

JAN 12 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

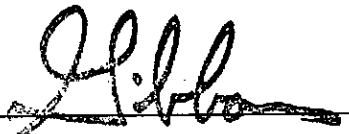
ORDER DENYING PETITION

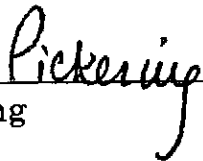
This original petition for a writ of mandamus asks this court to direct the district court to dismiss three counts of child abuse, neglect, or endangerment from an indictment. Petitioner's argument is premised upon the notion that, when the State alleges that a child was placed into a situation where the child may have suffered physical pain or mental suffering, the State must be proceeding under a theory of abuse or neglect caused by sexual exploitation, sexual abuse, or negligent treatment/maltreatment rather than by physical or mental injury of a nonaccidental nature. We disagree with petitioner's premise, *see Clay v. Eighth Judicial Dist. Court*, 129 Nev. 445, 453, 305 P.3d 898, 903 (2013) ("It is this 'abuse or neglect' element that in some cases will result in the State presenting evidence that shows actual physical pain or mental

suffering even though it is proceeding under the second theory in NRS 200.508(1).”), and therefore conclude that our intervention by way of extraordinary writ is unwarranted. Accordingly, we

ORDER the petition DENIED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Richard Scotti, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk