


IN THE SUPREME COURT OF THE STATE OF NEVADA

D.C., JR., A MINOR,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIERRA DANIELLE JONES, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 85661

FILED

OCT 05 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING WRIT PETITION

This is an original petition for a writ of mandamus seeking to compel the district court's dismissal of a criminal indictment for lack of jurisdiction.

On the State's petition, the district court certified D.C., Jr., a 16-year-old minor, to be tried as an adult. It did so after it deemed D.C. competent to stand trial in juvenile delinquency court. Following D.C.'s arraignment in justice court pursuant to the certification order, he appealed the order based partially on the juvenile court's failure to adequately assess D.C.'s competency to stand trial as an adult in district court as required by *Dusky v. United States*, 362 U.S. 402 (1960). The proceedings in justice court were stayed pending the resolution of his appeal by this court. See *In re D.C., Jr.*, Docket No. 84563.

The State then sought and received a grand jury indictment, upon which D.C. was arraigned in district court. He filed a motion to dismiss the case for lack of jurisdiction, arguing that the indictment was

procured in violation of NRS 178.405 (providing that once a question of competency has been raised, proceedings in the relevant court and “any other departments” shall be suspended until the question is determined) and NRS 178.415(4) (prohibiting the State from seeking an indictment while “the court is considering” the defendant’s competence) because the appeal of his certification order kept alive the question of his competency. After the district court denied the motion and instituted a stay in the proceedings, D.C. filed this petition.

A traditional writ of mandamus requires that (1) the petitioner demonstrate a clear legal right to “have the act done which is sought by the writ”; (2) the act “is the plain legal duty of the respondent to perform, without discretion on his part either to do or refuse”; and (3) “the petitioner has no other plain, speedy, and adequate remedy” at law. *Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 680, 476 P.3d 1194, 1196 (2020) (internal quotation marks omitted). D.C. has not shown that he has a clear legal right to the relief he seeks. Even assuming there is an extant question of competency based on the appeal of his certification order, D.C. has not provided any legal support for the proposition that dismissal of the indictment is the appropriate remedy for a violation of NRS 178.405 or NRS 178.415, and therefore cannot show that he has a legal right to that result.

Nor does D.C. qualify for advisory writ relief. Such relief is only merited if the petition “present[s] a serious issue of substantial public policy or involve[s] important precedential questions of statewide interest” that will evade review if deferred to direct appeal. *Walker*, 136 Nev. at 684, 476 P.3d at 1199. D.C.’s indictment will either be vindicated if this court upholds the predicate certification order or dissolved if the order is vacated. The precedential value of a decision regarding the aforementioned statutes


is therefore minimal because it does not impact the end result of this or any other juvenile case.


Accordingly, we

ORDER the petition DENIED.

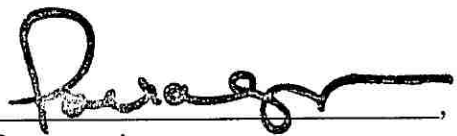

_____, C.J.
Stiglich



_____, J.
Cadish


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

cc: Hon. Tierra Danielle Jones, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk