

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRENDAN CHRISTIAN SULLIVAN,  
Appellant,  
vs.  
THE HONORABLE AMY WILSON, LAS  
VEGAS JUSTICE OF THE PEACE AND  
THE STATE OF NEVADA,  
Respondents.

No. 89782-COA

**FILED**

SEP 16 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Brendan Christian Sullivan appeals from a district court order denying a petition for a writ of mandamus filed on October 31, 2024. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Sullivan contends that the district court should have compelled the justice court to dismiss Counts 1, 3, and 4 of the complaint because those counts did not provide him with adequate factual allegations to defend against the charges.

We review a district court order denying a petition for a writ of mandamus for an abuse of discretion. *Chittenden v. Just. Ct. of Pahrump Twp.*, 140 Nev., Adv. Op. 5, 544 P.3d 919, 927 (Ct. App. 2024). A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Petitioners bear the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

A criminal complaint “is a written statement of the essential facts constituting the public offense charged,” NRS 171.102, “intended solely to put the defendant on formal written notice of the charge he must defend,” *Sanders v. Sheriff, Washoe Cnty.*, 85 Nev. 179, 181-82, 451 P.2d 718, 720 (1969); *see Viray v. State*, 121 Nev. 159, 162, 111 P.3d 1079, 1081 (2005) (providing that criminal defendants have “a substantial and fundamental right to be informed of the charges against [them] so that [they] can prepare an adequate defense”). It may be drawn on the words of the statute “so long as the essential elements of the crime are stated.” *Sanders*, 85 Nev. at 182, 451 P.2d at 720. The charging document “*standing alone* must contain the elements of the offense intended to be charged and must be sufficient to apprise the accused of the nature of the offense so that he may adequately prepare a defense.” *Laney v. State*, 86 Nev. 173, 178, 466 P.2d 666, 669 (1970) (emphasis added). A charging document must “reference to the statutes under which [the accused] was charged; allege[ ] the time, place, and method or manner in which the offenses were committed, and advise[ ] [the accused] of what he needed to know to prepare his defense.” *Rimer v. State*, 131 Nev. 307, 325, 351 P.3d 697, 710 (2015); *see* NRS 173.075.

The complaint alleged that all the charged conduct occurred on or about April 7, 2024, in Clark County, Nevada. Count 1 alleged that Sullivan battered the victim, a person with whom he was related by blood or marriage, via strangulation. The allegation identified the time and place of the offense; the victim of the offense, which inherently informed Sullivan as to his relationship to the victim; and the method by which Sullivan battered the victim, *see* NRS 200.481(1)(i) (defining strangulation). Accordingly, the district court did not abuse its discretion in denying

mandamus relief on this ground. *See Chittenden*, 140 Nev., Adv. Op. 5, 544 P.3d at 927.


Counts 3 and 4 of the complaint charge abuse, neglect or endangerment of a child by largely tracking the language of the statute. *See* NRS 200.508(1). Each count identified a separate child victim by their initials and alleged that Sullivan placed those victims in a position where they perceived acts of domestic violence. While Counts 3 and 4 did not allege the specific act of domestic violence in the counts themselves, given that all the acts charged in the complaint are alleged to have occurred at the same time and place, Counts 1 and 2 sufficiently allege the acts of domestic violence that occurred in the presence of the children. Additionally, the complaint did not need to specify the physical pain or mental suffering experience by the alleged victims because a defendant can be criminally liable for child abuse “if the defendant placed the child in a situation where the child *may* suffer physical pain or mental suffering as the result of the negligent treatment or maltreatment.” *Clay v. Eighth Jud. Dist. Ct.*, 129 Nev. 445, 454, 305 P.3d 898, 904 (2013). Lastly, the mere omission of any reference to NRS 432B.140 (defining negligent treatment or maltreatment), did not render the complaint insufficient. *Cf.* NRS 173.075(3) (“Error in the citation or its omission is not a ground for dismissal of the indictment or information or for reversal of a conviction if the error or omission did not mislead the defendant to the defendant’s prejudice.”). Accordingly, the district court did not abuse its discretion in denying mandamus relief on this ground. *See Chittenden*, 140 Nev., Adv. Op. 5, 544 P.3d at 927.

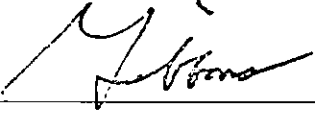
Sullivan also contends the district court erroneously referred to Nevada as a “notice” pleading jurisdiction for criminal prosecutions and

insisted that a vague charging document may be construed by referencing discovery materials. Even assuming, without deciding, that the district court erred, we conclude any such error was harmless because the district court did not abuse its discretion in concluding that the charges were sufficiently pleaded such that Sullivan could prepare a defense. *See* NRS 178.598.

Having considered Sullivan's contentions and concluding that they lack merit, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Erika D. Ballou, District Judge  
The Pariente Law Firm, P.C.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>Insofar as Sullivan raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.