

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOMMY LENVILLE DUNCAN A/K/A  
TOMMY LENVILLE DUNCAN,  
Appellant,  
vs.  
MICHAEL V. ROTH,  
Respondent.

No. 38790

FILED

SEP 12 2002

JANETTE M. BUDOR  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK


ORDER OF AFFIRMANCE


This is a proper person appeal from an order dismissing appellant's malpractice complaint against his former deputy public defender. We have reviewed the record, and we conclude that the district court did not err. A public defender and his deputies cannot be sued for malpractice arising out of discretionary decisions that they make while carrying out their official duties, because NRS 41.032(2) grants public officers immunity from such suits and NRS 41.0307(4)(b) defines the terms "public officer" and "officer" to include a public defender and any deputy or assistant attorney of a public defender.<sup>1</sup> Accordingly, we

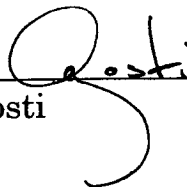
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<sup>1</sup>Ramirez v. Clark Co. Public Defender, 105 Nev. 219, 773 P.2d 343 (1989).

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

cc: Hon. Nancy M. Saitta, District Judge  
Tommy Linville Duncan  
Attorney General/Carson City  
Clark County Clerk

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<sup>2</sup>Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered all documents received from him.