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Criminal Procedure; Speedy Trial and Motion for New Trial

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oath before a magistrate or a notary public.¹ Chapter 188 now requires a criminal complaint to be made upon either (1) an oath before a magistrate or notary public,² or (2) a declaration that is made subject to the penalty for perjury.³

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1. 1969 Nev. Stat. c. 227, §1, at 387 (amending NEV. REV. STAT. §171 at 102).
 2. NEV. REV. STAT. §171.102(1) (amended by 1983 Nev. Stat. c. 188, §1(1), at 446).
 3. *Id.* 3171.102(2) (amended by 1983 Nev. Stat. c. 188, §1(2), at 446).

Criminal Procedure; speedy trial and motion for new trial

NEV. REV. STAT. §174.— (new); 176.515, 178.594 (amended).
SB 220 (Committee on Judiciary); 1983 STAT. Ch 571

Under existing law, a defendant has the right to a speedy trial.¹ Unless a defendant is brought to trial within sixty days after an indictment or the filing of an information,² the court may dismiss the case.³ Chapter 571 gives the state the right to demand a trial within sixty days after the arraignment.⁴ The court may deny this request, however, and postpone the trial if more time is needed by the defendant to prepare, or if the number of cases pending in the court prohibits the acceptance of the case for trial.⁵ Chapter 571 incorporates into the order of disposition of issues on the trial calendar situations in which the state has demanded a trial.⁶

Under existing law, courts may grant a new trial when new evidence has been discovered.⁷ Prior law required the motion for a new trial to be made within two years after final judgment.⁸ The Nevada Supreme Court recently held that a judgment becomes final (1) if no appeal is taken on the last date for taking an appeal, or (2) if an appeal is taken, on the date when the appeal is terminated.⁹ In an apparent response to this decision, Chapter 571 provides a new standard for granting a mo-

1. *See* State v. Squire, 56 Nev. 386, 399, 54 P.2d 227, 232 (1936); *In re* Hansen, 79 Nev. 492, 495, 387 P.2d 659, 660 (1963); U.S. CONST. amend. VI.

2. NEV. REV. STAT. §173.015 (description of indictment or information).

3. *Id.* §178.556. A defendant may waive his right to a speedy trial either by asking for more time or by conduct that indicates the defendant is merely trying to delay the prosecution of the case. *See* Hampton v. Sheriff, 86 Nev. 157, 159, 465 P.2d 615, 616 (1970).

4. 1983 Nev. Stat. c. 571, §1, at 1670; *see* NEV. REV. STAT. §§174.015-.025 (arraignment procedures).

5. 1983 Nev. Stat. c. 571, §1, at 1671.

6. *Compare* NEV. REV. STAT. §178.594 (amended by 1983 Nev. Stat. c. 571, §3, at 1671) with 1967 Nev. Stat. c. 523, §379, at 1458 (enacting Nev. Rev. Stat. §178.594).

7. NEV. REV. STAT. §176.515(1).

8. 1967 Nev. Stat. c. 523, §280, at 1443 (enacting NEV. REV. STAT. §176.515).

9. *See* Ybarra v. State, 97 Nev. 247, 249, 628 P.2d 297, 298 (1981).

tion for a new trial based on newly discovered evidence by requiring that the motion be made within two years after the verdict or finding of guilt.¹⁰

10. NEV. REV. STAT. §176.515(3) (amended by 1983 Nev. Stat. c. 571, §2, at 1671). Compare *id.* 176.515(3) (amended by 1983 Nev. Stat. c. 571, §2, at 1671) with 1967 Nev. Stat. c. 523, §280, at 1443 (enacting NEV. REV. STAT. §176.515).

Criminal Procedure; juries—time for demand, reduction in size

NEV. REV. STAT. §§175.011, 175.021 (amended).
SB 211 (Committee on Judiciary); 1983 STAT. Ch 307

Prior to the enactment of Chapter 307, a defendant in a justice's court¹ was entitled to a jury trial if a written demand was submitted at least five days prior to trial.² Chapter 307 revises this provision by requiring that the written demand be made not less than thirty days before trial.³ In addition, existing law provides that juries consist of twelve jurors unless the parties stipulate otherwise.⁴ Prior law held that upon approval of the court, the parties could stipulate in writing that the jury consist of any number less than twelve.⁵ Chapter 307 mandates that the jury must not be comprised of fewer than six jurors.⁶ In addition, Chapter 307 provides that juries for the trial of a criminal action in a justice's court must consist of six jurors.⁷

1. See NEV. REV. STAT. §4.370 (jurisdiction of justice court).

2. See 1967 Nev. Stat. c. 523, §174(2), at 1424 (enacting NEV. REV. STAT. §175.011 (2)).

3. NEV. REV. STAT. §175.011(2) (amended by 1983 Nev. Stat. c. 307, §1(2), at 749).

4. *Id.* §175.021(2).

5. 1967 Nev. Stat. c. 523, §175(2), at 1424. This stipulation could be made at any time before the verdict. *Id.*

6. NEV. REV. STAT. §175.021(2) (amended by 1983 Nev. Stat. c. 307, §2(2), at 749).

7. See *id.* §175.021(3) (amended by 1983 Nev. Stat. c. 307, §2(3), at 749); see also Lehman, *Reducing Size of Juries—Is it a Blow to Liberty?*, L.A. Daily J., June 12, 1980, at 4, col. 2.

Criminal Procedure; contempt of court

NEV. REV. STAT. §22.010, 22.020 (amended).
SB 385 (Foley); 1983 STAT. Ch 350

Existing law specifies the acts or omissions constituting contempt of court.¹ Under Chapter 350 acts punishable as contempt of court will

1. NEV. REV. STAT. §22.010.