

Taylor v. Rouse, No. 68579, Order of Affirmance (Unpublished Disposition, Aug. 11, 2016)
COA Unpub

Pursuant to NRS 51.065, hearsay is generally inadmissible unless the statement falls within a recognized exception. Furthermore, according to NRS 51.067, hearsay within hearsay is admissible “if each part of the combined statements conforms to an exception to the hearsay rule.”

Here, a CPS report contained the CPS case manager’s recitation of out-of-court statements from Appellant and her now-deceased mother, as well as the case manager’s conclusions concerning Jewel’s alleged child neglect. Although the court admitted Appellant’s statements under NRS 51.035(3)(a), and her mother’s as impeachment, these principles do not enable the court to admit the report as a whole. Because each part of the conformed statement did not qualify as nonhearsay or come within an admissible exception as required by NRS 51.067, it was error for the district court to admit the report.

Nevertheless, consistent with NRCP 61 and Wyeth, this error is not reversible since Appellant has not demonstrated the outcome of the case would have changed had the court excluded the report.