

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Petitioner,

vs.

THE TENTH JUDICIAL DISTRICT OF
THE STATE OF NEVADA, IN AND FOR
CHURCHILL COUNTY AND THE
HONORABLE THOMAS STOCKARD,
DISTRICT JUDGE,

Respondents,

and

CHAD DEAN NUTTALL,

Real Party in Interest.

No. 90688

FILED

AUG 15 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order setting aside two judgments of conviction.

Having considered the State's petition, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition).

In particular, the State argues that real party in interest Chad Dean Nuttall was not eligible for drug court diversion under NRS 176A.240 when he was sentenced and thus cannot now seek to set aside two

judgments of conviction under that statute. The State argues that Nuttall failed to satisfy requirements for diversion under NRS 176A.240 such as an application for diversion and a qualified substance use disorder assessment. The State argues further that the parties never agreed to recommend that Nuttall participate in drug court. The State also argues that NRS 176A.110 barred a sentence of probation for the conviction under NRS 200.508.

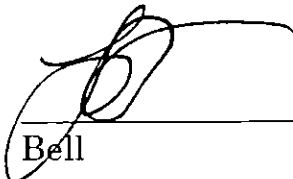
The record shows, however, that Nuttall completed the Second Judicial District Court's Adult Drug Court program and was honorably discharged from probation. Any objection to Nuttall's sentence, conditions of probation, or drug court diversion should have been raised at sentencing. The State's belated objections do not supply a basis to challenge setting aside the judgments of conviction after Nuttall complied with the probation requirements and completed the drug court program. *See Kabew v. Eighth Jud. Dist. Ct.*, 140 Nev., Adv. Op. 20, 545 P.3d 1137, 1142 (2024) (concluding that NRS 176A.240(6)(a) requires a district court to set aside the judgment of conviction of a person who "fulfills the terms and conditions of probation pursuant to a drug court program and satisfies the statutory requirements"). NRS 176A.240 does not authorize a challenge to the conditions of probation after probation has been completed. The State thus fails to show either a duty the district court did not perform or a manifest abuse of discretion. *See Gonzalez v. Eighth Jud. Dist. Ct.*, 129 Nev. 215, 217, 298 P.3d 448, 449 (2013) ("A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an

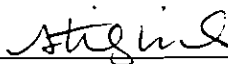
office, trust, or station or to control a manifest abuse of discretion.”).

Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Herndon


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Thomas L. Stockard, District Judge
Attorney General/Carson City
Churchill County District Attorney/Fallon
Churchill County Public Defender
Churchill County Clerk