

SUPREME COURT OF NEVADA

Locker v. State

2022 NV 62 · No. No. 84070 · Decided September 1, 2022

SUMMARY

The Supreme Court of Nevada held that judgment deferral is mandatory, upon the defendant's consent, for a guilty plea to a first- or second-time violation of NRS 453.336(2)(a) involving possession of less than 14 grams of specified controlled substances. The court rejected the State's argument that a plea agreement lacking a deferral provision precluded judgment deferral under NRS 176.211(1). The court vacated the judgment of conviction and remanded for judgment deferral.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Elissa F. Cadish; Justice Linda M. Silver; Justice Patricia Lee Pickering
JURISDICTION	Nevada
DECIDED	September 1, 2022
DOCKET	No. 84070
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from a judgment of conviction entered after a guilty plea to possession of less than 14 grams of a schedule I controlled substance.
STANDARD OF REVIEW	Sentencing decisions are reviewed for abuse of discretion; statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; binding precedent in Nevada.
PARTIES	Michael J. Locker v. The State of Nevada

TOPICS

- statutory interpretation
- criminal procedure
- sentencing
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing
- statutory interpretation

QUESTIONS PRESENTED

1. Whether NRS 453.336(2)(a) and NRS 176.211(3)(a)(1) require judgment deferral, upon the defendant's consent, for a guilty plea to a first- or second-time offense involving possession of less than 14 grams of a schedule I or II controlled substance.
2. Whether the general provision in NRS 176.211(1), including its limitation concerning plea agreements that do not allow deferral, applies to a guilty plea governed by the specific mandatory-deferral provision in NRS 176.211(3)(a)(1).
3. Whether the district court had discretion to enter a judgment of conviction based on the original additional charges, the plea agreement's silence concerning deferral, or the presence of a firearm.

HOLDINGS

1. When a defendant consents and pleads guilty to a violation of NRS 453.336(2)(a), NRS 176.211(3)(a)(1) requires the district court to defer judgment; the court lacks discretion to enter a judgment of conviction.
2. NRS 176.211(1) does not apply to a guilty plea covered by the specific mandatory-deferral provision in NRS 176.211(3)(a)(1). The existence of a plea agreement that is silent on judgment deferral does not preclude mandatory deferral.
3. The mandatory-deferral requirement was unaffected by the fact that the original complaint included additional charges, the plea agreement did not address deferral, or a firearm was present at the time of arrest.

KEY QUOTATIONS

“By the plain language of these statutes, the Legislature divested the court of its sentencing discretion for this specific felony drug-possession offense and permitted first- and second-time offenders the opportunity to proceed without a conviction on their record.” (6)

“A defendant's guilty plea to NRS 453.336(2)(a) triggers NRS 176.211(3)(a)(1), which requires judgment deferral regardless of whether the plea resulted from a plea agreement.” (10)

“Thus, the district court lacked discretion to decline to defer judgment.” (11)

FACTUAL BACKGROUND

Locker pleaded guilty to a first-time violation of NRS 453.336(2)(a), involving possession of less than 14 grams of a schedule I controlled substance. His plea agreement did not address judgment deferral, but before sentencing he elected to participate in a substance-use treatment program under NRS 176A.240. The district court instead entered a judgment of conviction, suspended a 19-to-48-month prison sentence, and imposed probation with drug-court participation, relying in part on Locker's prior positive or missed drug tests and the presence of a concealed weapon at the time of arrest.

PROCEDURAL HISTORY

Locker was originally charged with carrying a concealed weapon, possession of less than 14 grams of a schedule I controlled substance, and possession of drug paraphernalia. Pursuant to a plea agreement, the State amended

the information to charge only the drug-possession offense, and Locker pleaded guilty. Although Locker filed an election to participate in a substance-use treatment program, the district court entered a judgment of conviction, suspended a 19-to-48-month prison sentence, and placed him on probation. The Nevada Supreme Court vacated the conviction and remanded for judgment deferral.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the judgment of conviction and remand for judgment deferral consistent with the opinion.

CASES CITED

- Chavez v. State, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009)
- Hobbs v. State, 127 Nev. 234, 237, 251 P.3d 177, 179 (2011)
- Bergna v. State, 120 Nev. 869, 873, 102 P.3d 549, 551 (2004)
- Washington v. State, 117 Nev. 735, 739, 30 P.3d 1134, 1136 (2001)
- Goudge v. State, 128 Nev. 548, 553, 287 P.3d 301, 304 (2012)
- City of Henderson v. Amado, 133 Nev. 257, 259, 396 P.3d 798, 800 (2017)
- Sharpe v. State, 131 Nev. 269, 274, 350 P.3d 388, 391 (2015)

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