

SUPREME COURT OF NEVADA

Julie Engle v. The Second Judicial District Court of the State of Nevada, in and for the County of Washoe

142 Nev. Adv. Op. No. 30 (Nev. 2026) · No. 89183 · Decided April 16, 2026

SUMMARY

The Nevada Supreme Court considered a petition for a writ of mandamus challenging the denial of a motion to set aside a judgment of conviction and a dishonorable discharge from probation. The court held that economic hardship excused the petitioner's failure to pay restitution for purposes of honorable discharge, but did not satisfy the restitution condition required for a mandatory set-aside of the conviction under NRS 176A.260(6)(a). The petition was therefore granted in part, with the court directing the district court to vacate the dishonorable discharge and enter an honorable discharge from probation.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Cadish; Chief Justice Herndon; Justice Pickering; Justice Parraguirre; Justice Lee; Justice Stiglich; Justice Bell
JURISDICTION	Supreme Court of Nevada
DECIDED	April 16, 2026
DOCKET	89183
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original petition for a writ of mandamus challenging the district court's denial of a motion to set aside a judgment of conviction and its subsequent dishonorable discharge of petitioner from probation.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. Mandamus relief is available only upon a clear legal right and is not used to control discretion absent a manifest abuse or arbitrary and capricious exercise of discretion.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Julie Engle v. The Second Judicial District Court of the State of Nevada, in and for the County of Washoe, The State of Nevada, real party in interest

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QUESTIONS PRESENTED

1. Whether economic hardship that prevents payment of restitution, while preventing a probation violation under NRS 176A.430(6), nevertheless prevents fulfillment of the probation conditions required for a mandatory set-aside of a conviction under NRS 176A.260(6)(a).
2. Whether the district court manifestly abused its discretion by denying Engle's motion to set aside the judgment of conviction.
3. Whether Engle was entitled to an honorable discharge from probation under NRS 176A.850(1) despite her inability to pay restitution because of economic hardship.
4. Whether mandamus was an appropriate remedy given the absence of a statutory right to appeal and the importance of clarifying the statutory issue.

HOLDINGS

1. Economic hardship that excuses a defendant's failure to pay restitution from constituting a probation violation under NRS 176A.430(6) does not satisfy or eliminate the defendant's affirmative restitution obligation for purposes of the requirement in NRS 176A.260(6)(a) that the terms and conditions of probation be fulfilled before a conviction is set aside.
2. The district court did not manifestly abuse its discretion by denying Engle's motion to set aside the judgment of conviction.
3. Engle was entitled to an honorable discharge from probation under NRS 176A.850(1), and the district court acted arbitrarily and capriciously by dishonorably discharging her.

KEY QUOTATIONS

“While NRS 176A.430(6) provides that the failure to pay restitution due to economic hardship is not a violation of the terms and conditions of probation, a nonviolation of a condition is not equivalent to fulfilling that condition” (7-8)

“Although NRS 176A.430(6) provides that a criminal defendant's failure to pay restitution due to economic hardship does not result in a violation of the restitution condition of probation, that protection does not equate to fulfillment of the restitution condition as required to have a criminal conviction set aside or dismissed under NRS 176A.260(6)(a).” (14)

FACTUAL BACKGROUND

Engle was convicted of first-offense attempted residential burglary and received a suspended 24-to-60-month sentence with 24 months of probation. Her probation required her to complete a mental health court program and

pay \$800 in restitution. She successfully completed the mental health court program, but she could not pay restitution because of economic hardship; the specialty court waived certain fees based on her inability to pay. The district court denied her request to set aside the conviction and later dishonorably discharged her from probation.

PROCEDURAL HISTORY

Engle pleaded guilty to or was convicted of first-offense attempted residential burglary. The district court suspended a 24-to-60-month prison sentence, placed her on 24 months of probation, and required completion of mental health court and payment of \$800 restitution. After Engle completed the mental health court program but failed to pay restitution because of economic hardship, the district court denied her motion to set aside the conviction and later dishonorably discharged her from probation. The Supreme Court of Nevada entertained her mandamus petition, denied relief concerning the set-aside, and granted relief concerning her probation discharge.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The clerk was directed to issue a writ of mandamus requiring the district court to vacate its dishonorable-discharge order and enter an order honorably discharging Engle from probation. The petition was denied insofar as it sought to set aside the judgment of conviction.

CASES CITED

- Kabew v. Eighth Judicial District Court, 140 Nev. 184, 545 P.3d 1137 (2024)
- Sonia F. v. Eighth Judicial District Court, 125 Nev. 495, 215 P.3d 705 (2009)
- Round Hill General Improvement District v. Newman, 97 Nev. 601, 637 P.2d 534 (1981)
- State v. Eighth Judicial District Court (Armstrong), 127 Nev. 927, 267 P.3d 777 (2011)
- State v. Barren, 128 Nev. 337, 279 P.3d 182 (2012)
- Ramos v. State, 137 Nev. 721, 499 P.3d 1178 (2021)
- Seput v. Lacayo, 122 Nev. 499, 134 P.3d 733 (2006)
- Buzz Stew, LLC v. City of North Las Vegas, 124 Nev. 224, 181 P.3d 670 (2008)
- Attaguile v. State, 122 Nev. 504, 134 P.3d 715 (2006)
- State v. Second Judicial District Court (Hearn), 134 Nev. 783, 477 P.3d 154 (2019)
- Hager v. State, 135 Nev. 246, 447 P.3d 1063 (2019)
- Meza-Carmona v. Garland, 113 F.4th 1163 (9th Cir. 2024)
- State v. Javier C., 128 Nev. 536, 289 P.3d 1194 (2012)
- Urias v. First Judicial District Court, 141 Nev., Adv. Op. 24, 568 P.3d 576 (2025)
- State v. Castaneda, 126 Nev. 478, 245 P.3d 550 (2010)
- State v. American Bankers Insurance Co., 106 Nev. 880, 802 P.2d 1276 (1990)

- People v. Seymour, 192 Cal. Rptr. 3d 113 (Ct. App. 2015)
- People v. Holman, 155 Cal. Rptr. 3d 164 (Ct. App. 2013)
- Hoyt v. Paysee, 51 Nev. 114, 269 P. 607 (1928)
- Mangarella v. State, 117 Nev. 130, 17 P.3d 989 (2001)
- Williams v. State, Department of Corrections, 133 Nev. 594, 402 P.3d 1260 (2017)
- Fairbanks v. Pavlikowski, 83 Nev. 80, 423 P.2d 401 (1967)
- United States v. Epskamp, 832 F.3d 154 (2d Cir. 2016)
- Bearden v. Georgia, 461 U.S. 660 (1983)
- State v. Glusman, 98 Nev. 412, 651 P.2d 639 (1982)
- Seim v. State, 95 Nev. 89, 590 P.2d 1152 (1979)
- Nied v. State, 138 Nev. 275, 509 P.3d 36 (2022)
- Gallagher v. City of Las Vegas, 114 Nev. 595, 959 P.2d 519 (1998)

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