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Summary of Aguilar-Raygoza v. State, 127 Nev. Adv. Op. No. 27

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CONSTITUTIONAL LAW – FUNDAMENTAL RIGHT TO TRIAL; EQUAL PROTECTION

Summary

An appeal from a judgment denying eligibility for an alcohol treatment diversion program following Appellant’s conviction from a jury trial.

Disposition and Outcome

The Supreme Court of Nevada affirmed the district court’s denial of Appellant’s request to participate in the alcohol treatment program set forth under NRS 484C.110,² finding that the statute (1) did not unnecessarily burden defendant’s right to trial and (2) did not deprive defendant of his right to equal protection under the Fourteenth Amendment of the U.S. Constitution.

Factual and Procedural History

The State charged Appellant Aguilar- Raygoza (“Aguilar”) with his third offense of driving under the influence, a felony.³ Aguilar pleaded not guilty and went to trial, where a jury convicted him. Prior to his sentencing hearing, Aguilar requested to be placed in the alcohol treatment program set forth in NRS 484C.340. Under 484C.340, a defendant who pleads guilty or *nolo contendere* to his first felony DUI may apply to the court to undergo an alcohol treatment program. However, the court is free to deny the application and sentence defendant to prison time. Even if the court grants the application, the defendant must still obtain acceptance from a treatment facility, satisfactorily complete treatment, and comply with any other conditions ordered by the court. Failure to satisfy any of these conditions allows the court to enter a judgement of conviction and sentence the defendant to prison time.

The district court held a hearing to determine Aguilar’s eligibility for the treatment program. At the eligibility hearing, Aguilar contested NRS 484C.340’s requirement that defendant must enter a guilty plea to be eligible for the treatment program as unconstitutional. Aguilar also argued that this requirement penalizes defendants who invoke their right to trial, thus depriving them of equal protection of the law. The district court rejected Aguilar’s argument. In rejecting Aguilar’s argument, the district court applied rational basis review, finding that participation in an alcohol treatment program is not a fundamental right.⁴ Under this standard, the district court found that NRS 484C.340 is not unconstitutional because the statute did not significantly interfere with defendant’s fundamental right to a jury trial. The district court sentenced Aguilar to thirty months in prison and a \$2000 fine, and this appeal followed.

¹ By Michael Li.

² The statute was formerly numbered NEV. REV. STAT. 484.37941

³ NEV. REV. STAT. §§ 484C.110 & 484C.400(1)(c) (2007).

⁴ *Blanton v. N. Las Vegas*, 489 U.S. 538, 541-43 (1989).

Discussion

NRS 484C.340 did not unnecessarily burden Aguilar's right to trial

Justice Cherry, writing for the unanimous three-judge panel, first considered Aguilar's argument that NES 484C.340 unnecessarily burdened his right to trial. Relying on *United States v. Jackson*,⁶ Aguilar first argued that NRS 484C.340 placed an unconstitutional burden on his right to a trial by conditioning his eligibility for the treatment program upon a waiver of that right. However, the Court found that NRS 484C.340 more closely resembled the statute in *Corbitt v. New Jersey*,⁷ as one that provides leniency to those defendants who enter pleas. Specifically, the Court distinguished the statute in *Jackson* by noting that (1) the *Corbitt* statute did not involve the death penalty and (2) defendant may still suffer the maximum penalty, even if a plea was entered. The Court also emphasized the policy basis for statutes that encourage defendants to waive their right to trial: tolerance and promotion of plea negotiations. On the basis of such policy, cases following *Corbitt* have distinguished between statutes providing leniency and statutes imposing punishment.⁸ Those cases have concluded that denial of a sentence reduction based on defendant's refusal to accept responsibility does not constitute punishment.

Here, the Court concluded that NRS 484C.340 did not unnecessarily burden defendant's exercise of his right to trial because like the *Corbitt* statute, there is no provision for the death penalty and the maximum sentence may still be imposed for those who chose to plead. Moreover, although the statute forces Aguilar to make a difficult choice between accepting a plea versus going to trial, the statute provides leniency to the same extent that defendants who enter pleas receive lesser sentences.

*NRS 484C.340 did not deprive Aguilar of equal protection of the law*⁹

The Court next considered Aguilar's equal protection claim. Aguilar argued that NRS 484C.340 violated his right to equal protection of the law under the Fourteenth Amendment because it penalized defendants exercising their right to trial by depriving them of the possibility of a lesser sentence. In rejecting Aguilar's equal protection challenge, the Court again emphasized that entering a plea does not guarantee a more favorable outcome for defendants pursuant to NRS 484C.340. Citing *Corbitt*, the Court noted that equal protection does not free defendants from the consequences of their bad choices. Had Aguilar chose to enter a plea, he would have given up the chance for an acquittal at trial. Thus, the Court declined to apply strict scrutiny, since NRS 484C.340 did not infringe on Aguilar's fundamental right to trial.

Applying a rational basis review, the Court concluded that NRS 484C.340 did not deprive Aguilar of his right to equal protection under the Fourteenth Amendment. The statute extends a

⁶ *United States v. Jackson*, 390 U.S. 570 (1968).

⁷ *Corbitt v. New Jersey*, 439 U.S. 212 (1978).

⁸ *Dzul v. State*, 118 Nev. 681, 692, 56 P.3d 875, 882-83 (2002).

⁹ The Court also rejected Aguilar's argument that the statute violated his substantive due process right under the Fourteenth Amendment of the U.S. Constitution, finding that he was lawfully sentenced based on his jury conviction, so the statute did not operate to deprive him of life, liberty, or property without due process or for arbitrary reasons.

limited degree of leniency to defendants who enter a plea. Moreover, the statute furthers the legitimate governmental purpose of conserving prosecutorial resources.

Conclusion

NRS 484C.110 is constitutional and does not place an excessive burden on a defendant's fundamental right to trial. The statute does not unnecessarily burden a defendant's right to trial because while the statute encourages plea bargains, the consequences of choosing a trial are not so adverse as to amount to an unconstitutional burden on the right to trial. NRS 484C.110 does not violate a defendant's right to equal protection under the Fourteenth Amendment. The statute does not deprive a defendant of equal protection because either choice, plea bargain or going to trial, carries the possibility of lesser sentences.