

Scholarly Commons @ UNLV Boyd Law

Nevada Supreme Court Summaries

Law Journals

4-25-2013

Summary of State v. Frederick, 129 Nev. Adv. Op. 27

Benjamin K. Reitz
Nevada Law Journal

Follow this and additional works at: <https://scholars.law.unlv.edu/nvscs>



Part of the [Constitutional Law Commons](#)

Recommended Citation

Reitz, Benjamin K., "Summary of State v. Frederick, 129 Nev. Adv. Op. 27" (2013). *Nevada Supreme Court Summaries*. 102.

<https://scholars.law.unlv.edu/nvscs/102>

This Case Summary is brought to you by the Scholarly Commons @ UNLV Boyd Law, an institutional repository administered by the Wiener-Rogers Law Library at the William S. Boyd School of Law. For more information, please contact youngwoo.ban@unlv.edu.

STATE CONSTITUTIONAL LAW – SEPARATION OF POWERS

Summary

This is an appeal from a district court order granting respondent's post-conviction motion to withdraw his guilty plea. The appeal invokes the question of whether justices of the peace may take felony pleas while serving as district court masters.

Disposition/Outcome

The Court reversed the district court order, concluding that justices of the peace may hear felony pleas if acting in a separate capacity as an appointed district court master. Although justices of the peace do not have jurisdiction to accept felony pleas, a justice of the peace properly appointed by the district court to serve as a district court master may hear felony pleas.

The Nevada Constitution vests authority in the Legislature to determine the jurisdiction of the various courts. The Court determined that the statute authorizing the district courts to delegate its ministerial power to the justice court, NRS 3.245, does not violate the separation of powers provision. Furthermore, the Eighth Judicial District Court Rule (EDCR) 1.48, which defines the scope of delegation, falls within the Legislature's grant of authority under NRS 3.245. In permitting justices of the peace to serve as district court masters and, in that capacity, hear felony pleas, the Court distinguished this case from its recent opinion in *Hernandez v. Bennett-Haron*.²

Factual and Procedural History

Jermaine Frederick entered into a plea agreement with the State after being charged with both misdemeanor and felony crimes. Frederick agreed to plead guilty to one misdemeanor and one felony charge. Frederick appeared in justice court before Justice of the Peace Melissa Saragosa, acting in her dual capacity as an appointed district court master. Judge Saragosa heard the plea of guilty on the misdemeanor and sentenced him on that charge. Immediately thereafter, Judge Saragosa conducted a plea colloquy on the felony charge, determined that Frederick's plea was voluntary, and accepted his plea to the felony charge. Frederick then proceeded to the district court where the district court judge sentenced him to 18-72 months in prison.

Frederick later filed a motion to withdraw his felony plea, asserting that a Justice of the Peace Saragosa did not have jurisdiction to accept the plea. The district court judge granted the motion and the State appealed.

Discussion

NRS 3.245 does not violate the separation of powers provision of the Nevada Constitution

¹ Benjamin K. Reitz

² *Hernandez v. Bennett-Haron*, 128 Nev. ___, 287 P.3d 305 (2012).

The Court first addressed the issue of whether NRS 3.245 violates the separation of powers provision because it permits the Court, rather than the Legislature, to define the scope of judicial power.

The Nevada Constitution vests original jurisdiction in the district courts to hear and decide cases involving felony and gross misdemeanor charges. The justice courts do not have jurisdiction in such cases, and NRS 171.196(1) states that “[i]f an offense is not triable in the justice court, the defendant must not be called upon to plead.” However, NRS 3.245 permits the district court to delegate subordinate and administrative duties to “masters.” The Legislature permits such delegation in order to alleviate the workload of district court judges. The statute also authorizes the Supreme Court to approve the duties the masters may perform.

Article 3, Section 1 of the Nevada Constitution prohibits the Legislature from delegating certain functions to other branches of government.³ However, the Legislature may delegate to other bodies, the power to make rules and regulations supplementing legislation as long as “the power given is prescribed in terms sufficiently definite to service as a guide in exercising that power.”⁴ In the judicial context, such a delegation can include administrative or ministerial powers so long as those powers are “reasonably incidental to the fulfillment of judicial duties.”⁵

The Court concluded that “allowing the judiciary to determine the subordinate or administrative duties that may be assigned to masters is a ministerial function that can be traced back to or derived from the basic judicial power and functions (*e.g.* it relates to how the business of the district courts and their judicial functions are handled).” Thus the Court concluded that NRS 3.245 does not violate the separation of power provision.

EDCR 1.48 falls within the Legislature’s grant of authority under NRS 3.245

Given that NRS 3.245 properly permits the courts to delegate certain duties to masters, the Court addressed whether EDCR 1.48, the rule that defines the scope of delegation, operates within the authority granted by NRS 3.245.

EDCR 1.48 defines who may be a district court master and the scope of the delegated duties. The Rule provides that an individual appointed as a master in the criminal division must be a justice of the peace, a senior justice of the peace, a senior judge or justice, or a member of the State bar of Nevada that meets certain qualifications. The Rule further states that permissible duties include “accepting pleas of guilty, nolo contendere, and not guilty, including ascertaining whether the defendant will invoke or waive speedy trial rights.”⁶

The court first addressed the apparent conflict between EDCR 1.48 and the prohibition on justices of the peace from hearing felony and gross misdemeanor cases. The Court acknowledged that justices of the peace are specifically prohibited from hearing cases involving felonies and gross misdemeanors. However, the Court stated, “[t]he fact that justices of the peace might also serve as district court master is only *incidental* to their roles as justices of the peace and is not an unconstitutional judicial expansion of the court’s jurisdiction.” It is not *by virtue* of their

³ *Benegas v. State Indus. Ins. Sys.*, 117 Nev. 222, 227, 19 P.3d 245, 248 (2001).

⁴ *Id.*

⁵ *Id.* at 24, 422 P.2d at 245.

⁶ EDCR 1.48(k)(2).

positions as justices of the peace that justices are permitted to act at district court masters, but rather, it is their judicial experience. The Court distinguished EDCR 1.48 from the Clark County ordinance at issue in *Hernandez*. The county ordinance specifically states that additional powers may be delegated to justices of the peace “by virtue of their positions as justices of the peace.”⁷

Finally, the Court determined that EDCR operates within the authority granted by NRS 3.245. The Legislature granted the Court broad authority to set forth rules. The court had held a public hearing on EDCR 1.48 and subsequently approved the rule.

Conclusion

Justice Parraguirre concluded: “Because Frederick’s guilty plea was accepted by a lawfully appointed district court master in accordance with EDCR 1.48, we reverse the district court’s order granting Frederick’s motion to withdraw his felony plea.”

⁷ 128 Nev. ___ at n.6, 287 P.3d at 314 n.6.