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Summary of Koller v. State, 122 Nev. Adv. Op. 20

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Koller v. State, 122 Nev. Adv. Op. 20 (2006)¹

CIVIL PROCEDURE – JURISDICTION OF JUSTICE COURT

Summary

Appeal from a writ of prohibition granted by the Third Judicial District Court, State of Nevada.

Disposition/Outcome

Reversed and remanded. The justice court has jurisdiction to hear a motion to dismiss a felony complaint for violations of the Interstate Agreement on Detainers, NRS 178.620, as well as NRS 171.070.

Factual and Procedural History

James Koller violated a temporary restraining order extended to an ex-girlfriend by sending her threatening emails. A resident of California, Koller was charged and sentenced in California for these violations.

However, Koller was also charged in the Lyon County, Nevada justice court for five counts of violating the extended order for protection against stalking, which is a class C felony, as well as nine counts for violating a temporary order, which is a misdemeanor. Upon extradition to Nevada, Koller moved to dismiss the criminal complaint in the justice court. In response, the State argued that the justice court lacked jurisdiction to hear the motion since the charges were felonies and gross misdemeanors. The justice court held that it had jurisdiction.

In response to the justice court's finding, the State filed a writ of prohibition, or, alternatively, a writ of mandamus with the district court. The district court agreed that the justice court did not have jurisdiction to hear a motion to dismiss for violations of the Interstate Agreement on Detainers ("IAD"). The court granted the petition for a writ of prohibition without addressing whether the justice court had jurisdiction on the NRS 171.070 claims.

Discussion

The Nevada Supreme Court reviews the granting or denial of writ relief for an abuse of discretion;² however, the Court will review the district court's decision de novo when the writ involves issues pertaining to statutory meaning and scope.³ At issue is "whether the IAD and NRS 171.070 vest jurisdiction to hear motions to dismiss in the justice court."⁴

IAD

¹ By Amy S. Scarborough

² *City of Reno v. Reno Gazette-Journal*, 119 Nev. 55, 58, 63 P.3d 1147, 1148 (2003); *Clark County v. Doumani*, 114 Nev. 46, 53, 952 P.2d 13, 17 (1998).

³ *City of Reno*, 119 Nev. at 58, 63 P.3d at 1148.

⁴ *Koller v. State*, 122 Nev. Adv. Op. 20, at 5 (2006).

Pursuant to NRS 178.620, the IAD agreement provides for “out-of-state criminal defendants to obtain disposition of criminal charges filed in a party state.”⁵ However, the IAD fails to provide a definition of an “appropriate court” to which a defendant must give notice of his request and, consequently, the appropriate court to hear alleged IAD violations.

In criminal cases, the justice courts are entitled to “jurisdiction of all misdemeanors and no other criminal offenses.”⁶ However, as the IAD does discuss “untried indictments, information or complaints,” justice courts are further able to perform preliminary examinations in felony complaints⁷ which thereby categorizes them as an “appropriate court” within the IAD to hear challenges to felony complaints. Justice courts have jurisdiction over felony complaints because they are untried.

NRS § 171.070

Nevada Revised Statutes 171.070 “bars prosecution or indictment in Nevada for an act committed within the jurisdictions of Nevada and another state, territory or country when the defendant already has been convicted or acquitted of the act in the other state, territory or country.”⁸

The Nevada Supreme Court held that Nevada justice courts also have jurisdiction to hear challenges to complaints based on NRS 171.070. Although the statute itself does not address the issue, the Court noted that reason and policy warrant their holding. The Court acknowledged that their prior decisions for cases heard on appeal involving motions to dismiss felony complaints that were filed in justice courts never addressed any jurisdictional defects. Presumably, had there been such defects, the Court would have addressed them.

The Court further noted that justice court jurisdiction is generally limited with regard to felony cases, particularly because evidentiary issues are best left to the trial courts.⁹ Further, justice courts have limited jurisdiction where the statute expressly provides for jurisdiction in the trial courts.¹⁰ However, in recognition that there were no evidentiary issues in the current case and the statute did not expressly provide for trial court jurisdiction, the Court concluded that Nevada justice courts had jurisdiction to hear a motion to dismiss a felony complaint for violations of NRS 171.070.

Conclusion

Nevada justice courts have jurisdiction to hear a motion to dismiss a felony complaint for violations of the Interstate Agreement on Detainers, NRS 178.620, and violations of NRS 171.070.

⁵ *Id.*; see NEV. REV. STAT. § 178.620 Art. I (2005).

⁶ NEV. REV. STAT. § 4.370(3) (2004).

⁷ NEV. REV. STAT. § 171.196 (2005).

⁸ *Koller*, 122 Nev. Adv. Op. 20, at 2 n.2.

⁹ *Parsons v. State*, 116 Nev. 928, 931-32, 10 P.3d 836, 837-38 (2000).

¹⁰ *Woerner v. Justice Court*, 116 Nev. 518, 524, 1 P.3d 377, 380 (2000).