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Martinez Guzman v. Second Judicial Dist. Court, 136 Nev. Adv. Op. 12 (Mar. 26, 2020)

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Summary

The Court clarified the ambiguity of the meaning “territorial jurisdiction,” a term of art found in NRS 172.105.² The Court held that NRS 172.105 incorporates Nevada’s venue statutes and grants a grand jury the authority to “inquire into a [criminal] offense so long as the district court that empaneled the grand jury may appropriately adjudicate the defendant’s guilt for that particular offense.”

Background

Martinez Guzman burglarized the Davids’ home in Washoe County, Nevada. He returned to the same home the next day and stole a revolver. Over the course of several days after that, Martinez Guzman killed the owners of two additional homes in Douglas County, Nevada. In one of these homes, he also committed burglary. Finally, Martinez Guzman returned again to the Davids’ home, where he killed the Davids and committed additional burglary. Guzman was arrested. The police discovered during its investigation that Martinez Guzman had placed additional stolen firearms in some hills in the Carson City area.

Washoe County empaneled a grand jury that charged Martinez Guzman with ten felony counts. Four counts were for the crimes Martinez Guzman committed in Douglas County. In a motion to dismiss, Martinez Guzman argued that the scope of Washoe County’s grand jury had to be limited to crimes committed within Washoe County, and could not include those that were committed in Douglas County. Martinez Guzman’s argument relied on NRS 172.105, which in full provides the following: “[t]he grand jury may inquire into all public offenses triable in the district court or in a Justice Court, committed within the *territorial jurisdiction of the district court* for which it is impaneled.”³ Thus, he argued that the territorial jurisdiction did not include Douglas County.

The district court judge denied the motion, interpreting “territorial jurisdiction” to be expansive, permitting “Nevada district courts jurisdiction over felony offenses [*statewide*]” From this, the district court reasoned that the grand jury’s authority also extended statewide. Thus, the Douglas County counts were not improper. Accordingly, Guzman filed a writ petition.

Discussion

Standards for writ relief

The Court noted that a writ of mandamus as a remedy is both extraordinary and discretionary.⁴ However, such a writ is appropriate when the Court must intervene due to “urgency or strong necessity, or when an important issue of law needs clarification and sound judicial economy and administration favor the granting of the petition.”⁵ Here, the Court determined that such a need for clarification was present, specifically the interpretation of

¹ By John McCormick-Huhn.

² NEV. REV. STAT. § 172.105 (1967).

³ *Id.* (emphasis added).

⁴ *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

⁵ *State v. Second Judicial Dist. Court (Ducharm)*, 118 Nev. 609, 614, 55 P.3d 420, 423 (2002).

“territorial jurisdiction” as used in NRS 172.105. Additionally, given that Martinez Guzman’s motion came during the pretrial phase, the Court’s intervention was necessary to ensure sound judicial economy.

Statutory interpretation of NRS 172.105

This case hinged on the Court interpreting the scope of power permitted to a grand jury by NRS 172.105. Statutory interpretation is reviewed de novo.

The interpretations provided by Martinez Guzman and State regarding the meaning of “territorial jurisdictions” in NRS 172.105 resulted in two different, plausible interpretations. On one hand, Martinez Guzman suggested that the wording of the statute imposed a strict “geographic limitation within which the crime must have occurred,” whereas the State offered that the grand jury’s authority was expansive and statewide because state judges have statewide jurisdiction. In instances such as these, where a statute is ambiguous and results in multiple reasonable and plausible interpretations, the Court shall turn to statutory construction, which may include legislative history, to aid in its interpretation.⁶

Prior to the Nevada Legislature adopting NRS 172.105, a district court’s criminal jurisdiction was defined by the following language: “[t]he District Courts shall have jurisdiction to inquire, by the intervention of a grand jury, of all public offenses, *committed or triable* in their respective districts”⁷ The wording was written in the disjunctive, such that the offense had to be *either* committed *or* triable within the court’s district, not necessarily both. In contrast, a plain reading of NRS 172.105 reveals that the wording now results in a conjunctive meaning, such that the crime must be both triable and committed within the particular district.

Ultimately, the Court rejected both Martinez Guzman’s and the State’s respective interpretations, providing examples of how each interpretation would lead to results that were absurd and unreasonable. Regarding Martinez Guzman’s interpretation, the Court reasoned that it would complicate several existing venue statutes that the Court assumed the Legislature were aware of when it enacted NRS 172.105.⁸ Martinez Guzman’s interpretation “would significantly limit the scope of inquiries permitted by grand juries.”

Additionally, the Court identified several problems with the State’s interpretation. First, the State’s view that “each district court had statewide territorial jurisdiction” would render part of NRS 172.105 superfluous, specifically the ending phrase: “for which it is impaneled.” Second, the State’s interpretation conflicts with jurisdiction issues related to interstate crimes. For example, *McNamara v. State* interprets NRS 171.020 in way that grants Nevada courts jurisdiction “[w]henever a person, with intent to commit a crime, does any act within [Nevada] in execution or part execution of such intent, which culminates in the commission of a crime, either within or without [Nevada]”⁹ In the current case, if this Court was to accept the State’s interpretation, a grand jury would be unable to indict a person for a crime ultimately committed outside of Nevada, despite part execution occurring within Nevada, frustrating NRS

⁶ *State v. Lucero*, 127 Nev. 92, 95, 249 P.3d 1226, 1228 (2011).

⁷ 1 THE COMPILED LAWS OF THE STATE OF NEVADA: EMBRACING STATUTES OF 1861 TO 1873, INCLUSIVE 223 (M. S. Bonnifield & Thomas W. Healy eds., 1873) (emphasis added).

⁸ The Court worried that Martinez Guzman’s interpretation would make it such that “multiple categories of cases for which venue is appropriate in a particular district could proceed only by information and not by grand jury excitement.” For example, one venue statute states that if an offense occurs within 500 yards of two counties’ separating boundary line, venue can be in either county. NEV. REV. STAT. § 171.035 (1963).

⁹ 132 Nev. 606, 611, 377 P.3d 106, 110 (2016) (quoting NEV. REV. STAT. § 171.020 (1927)).

171.020 and *McNamara*. Finally, several other Nevada statutes contradict the viewpoint that a district court has statewide territorial jurisdiction regarding a felony.

In response to both sides' interpretations, the Court offered the following as the correct interpretation of territorial jurisdiction: "territorial jurisdiction in a case involving intercounty offenses depends on whether the necessary connections, as identified in Nevada's statutes, to the location of the court exist." The court's interpretation of "territorial jurisdiction" was based on prior interpretations of the term of art in *interstate* criminal offenses.

Thus, the court held "territorial jurisdiction" as used in NRS 172.105, "incorporates Nevada's statutes governing venue and, thus, the statute empowers a grand jury to inquire into an offense so long as the district court that empaneled the grand jury may appropriately adjudicate the defendant's guilt for that particular offense." Therefore, if venue is appropriate for the district court, then that crime "was committed within the court's territorial jurisdiction," thereby granting the grand jury its authority.

Applied to the current case, it has yet to be determined whether the district court properly has venue over the matter. Therefore, the Second Judicial District Court still has to apply and analyze the appropriate venue provisions to determine if venue was proper for the Douglas County charges. The answer to that inquiry shall be determinative in whether Washoe County's grand jury overreached or not.

Conclusion

The Court held that the use of "territorial jurisdiction" within NRS 172.105 incorporated Nevada's various statutes governing venue. Therefore, in instances where "venue is proper in the" district court empaneling the grand jury, then the grand jury shall also have the necessary authority to inquire into the criminal offense. The court accordingly granted the motion to dismiss in part and issued a writ of mandamus requiring that the district court's order denying the motion be vacated. However, the Court would not issue "a writ requiring the district court to grant [Martinez Guzman's] motion to dismiss outright." The district court first must determine whether the venue is proper in the Second District for the Douglas County charges. If not, then the Douglas County charges should be dismissed "for lack of territorial jurisdiction."