


IN THE SUPREME COURT OF THE STATE OF NEVADA

MITCHELL JOHN EASTERDAY,  
Petitioner,  
vs.  
THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE; AND THE HONORABLE  
DAVID A. HARDY, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 82436

FILED

JUL 15 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER GRANTING PETITION*

This original petition seeks a writ of mandamus directing the district court to set aside petitioner's conviction.

Petitioner Mitchell John Easterday pleaded guilty to one count of attempted battery. The district court accepted the plea, entered a judgment of conviction, and sentenced Easterday, but deferred the sentence and placed him on probation on the condition that he would complete a mental health court program. After Easterday successfully completed the program and was discharged from probation, he moved to set aside his judgment of conviction pursuant to NRS 176A.260. The district court denied the motion.

Easterday has now filed a petition for a writ of mandamus, arguing that certain amendments to NRS 176A.260 make clear that it retroactively brings him within the ameliorative provisions of the statute. The State concedes that the district court should not have denied

Easterday's motion and that he is therefore entitled to the relief requested in his petition. Given the State's concession, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate its order denying petitioner's motion to set aside his judgment of conviction and enter an order granting the request.

Hardesty, C.J.

Hardesty

Parraguirre, J.

Parraguirre

Cadish, J.

Cadish

cc: Hon. David A. Hardy, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk