

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES EDWARD FARRELL,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK  
AND THE HONORABLE NADIA  
KRALL, DISTRICT COURT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 90052

**FILED**

**AUG 15 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER GRANTING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges a district court order mandating the return of allegedly stolen property as a condition of pretrial release. Petitioner Charles Farrell was indicted by a grand jury on charges of residential burglary, theft, and dissemination of an intimate image. Allegedly, Farrell stole personal property from the victim's home, including the victim's dog. Farrell was released on his own recognizance with an order to stay away from the victim. At the arraignment, the State requested Farrell be required to return the dog to the victim as a condition of Farrell's pretrial release. The district court granted the request and required Farrell to surrender the dog to the victim as a condition of release. Farrell filed a petition for a writ of mandamus in this court challenging the district court's order.

"A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion." *Int'l Fid. Ins. Co. ex rel. Blackjack Bonding, Inc. v. State*, 122 Nev. 39, 42,


126 P.3d 1133, 1134 (2006); *see also* NRS 34.160. “An arbitrary or capricious exercise of discretion is one founded on prejudice or preference rather than on reason, or contrary to the evidence or established rules of law.” *State v. Eighth Jud. Dist. Ct. (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (internal quotation marks and citations omitted). A petitioner bears “the burden of demonstrating that extraordinary relief is warranted,” *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004), and whether to consider a writ of mandamus is ultimately within this court’s discretion, *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). We exercise our discretion to consider this writ petition because Farrell has no other remedy at law. NRS 34.170.


Farrell argues the district court manifestly abused its discretion by ordering the return of property as a release condition. “[A] pretrial release decision is a matter within the sound discretion of the trial court.” *Valdez-Jimenez v. Eighth Jud. Dist. Ct.*, 136 Nev. 155, 161, 460 P.3d 976, 984 (2020). NRS 178.4851(1) provides that the district court shall only impose a condition of release “as it deems to be the least restrictive means necessary [1] to protect the safety of the community or [2] to ensure that the person will appear at all times and places ordered by the court.” The district court must make findings of fact on the record as to why the condition of release is the least restrictive means to protect the safety of the community or to ensure the individual’s appearance in court. NRS 178.4851(3).

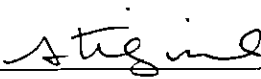
Here, the district court did not adequately address how the return of allegedly stolen property related to either community safety, including the safety of the victim, or ensuring Farrell’s appearance in court. Further, the district court did not make the statutorily mandated findings explaining how the release condition is the least restrictive means to protect

community safety or to ensure Farrell's appearance in court. *See Johnston v. Eighth Jud. Dist. Ct.*, 138 Nev. 700, 710, 518 P.3d 94, 103 (2022) ("[T]he district court's imposition of any [condition of pretrial release] must be supported by an individualized determination that the condition is necessary to secure the statutorily defined aims of conditions of pretrial release."). Thus, we conclude the district court manifestly abused its discretion by ordering the return of allegedly stolen property as a condition of pretrial release. Accordingly, 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 June 19, 2025, order.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Bell

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Nadia Krall, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

<sup>1</sup>In light of this order, we also lift the stay of proceedings imposed by our February 6, 2025, order.