

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON JAMES QUINONEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89652-COA

FILED

AUG 25 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Melissa Fuller*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brandon James Quinonez appeals from a judgment of conviction, entered pursuant to a guilty plea, of residential burglary and preventing or dissuading persons from producing evidence. Seventh Judicial District Court, Eureka County; Gary Fairman, Judge.

First, Quinonez argues the district court violated his equal protection rights by not allowing him to participate in drug court located in Ely, Nevada, from his residence in Eureka, Nevada. Specifically, Quinonez challenges NRS 176A.230, which allows a district court to create an appropriate program for the treatment of alcohol or other substances, and the district court's application of that statute as infringing on his fundamental right to travel.

"The Equal Protection Clause of the Fourteenth Amendment mandates that all persons similarly situated receive like treatment under the law." *Gaines v. State*, 116 Nev. 359, 371, 998 P.2d 166, 173 (2000). When doing an equal protection analysis, this court is required to determine the appropriate standard of judicial scrutiny and then consider the statutory classification under that appropriate level of scrutiny. *See id.* "Strict scrutiny is applied in cases involving fundamental rights, such as

privacy, marriage, or cases involving a suspect class.” *Id.* Under strict scrutiny, a statute “should be sustained only if it is narrowly tailored and necessary to advance a compelling state interest.” *Id.* “In contrast, a lesser standard for reviewing equal protection challenges applies where the classification does not affect fundamental liberties. Under this level of scrutiny, legislation at issue will be upheld provided the challenged classification is rationally related to a legitimate governmental interest.” *Id.*

Quinonez argues this court should apply strict scrutiny because his fundamental right to travel is implicated by the statute and the district court’s application of the statute. He argues the district court’s requirement that he move to Ely in order to receive the benefit of participating in drug court implicated his right to travel and to have the laws of the state apply equally to him. Quinonez fails to demonstrate that his fundamental right to travel is implicated.

The right to travel encompasses three components, protecting the right of a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.

Reel v. Harrison, 118 Nev. 881, 885-86, 60 P.3d 480, 483 (2002). Based on *Reel*, the right to travel applies to interstate travel rather than intrastate travel, and Quinonez has not provided this court with any caselaw that would demonstrate that the fundamental right to travel applies to intrastate travel. Thus, he fails to demonstrate that a fundamental right is implicated by the statute. Further, Quinonez has not alleged or demonstrated the drug court enabling statutes create a discriminatory

classification. Thus, we conclude that the lower level of scrutiny applies to Quinonez's equal protection claim.

We conclude Quinonez fails to demonstrate that NRS 176A.230 was not rationally related to a legitimate state interest. NRS 176A.230 specifically provides that "[t]he assignment [to a treatment program] must include the terms and conditions for successful completion of the program." The district court determined that, in order to successfully complete the drug court program, Quinonez would need to be supervised in Ely. With the limited resources in Eureka and in the Seventh Judicial District Court, and the ruralness of the judicial district, the district court's requirement that drug court participants be supervised by living in Ely is rationally related to a legitimate state interest.¹ Therefore, we conclude that Quinonez fails to demonstrate the district court violated his equal protection rights.


Second, Quinonez argues the district court abused its discretion by denying his plan to be supervised in Eureka. The district court rejected that plan because it included Quinonez living with his girlfriend, who was also an addict. The district court determined the proposed plan would not lead to success in the program. We conclude the district court did not abuse its discretion by denying Quinonez's request to be supervised in Eureka. *See* NRS 176A.230; *see Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376,

¹The Nevada Supreme Court has found that the economic costs to the State and the public can constitute a legitimate state interest to survive rational basis scrutiny. *See State v. Eighth Jud. Dist. Ct. (Marber)*, 101 Nev. 658, 662, 708 P.2d 1022, 1025 (1985). We note that Quinonez agrees that "the government may have an economic interest in forgoing specialty courts and substance use disorder treatment in small rural counties."

1379 (1987) (stating the district court has wide discretion in its sentencing decision).

Finally, Quinonez also argues the district court abused its discretion by denying his request for more time to secure housing in Ely. The district court found that Quinonez had already been given several months to secure housing and denied the request. We conclude the district court did not abuse its discretion in this regard. *See Houk*, 103 Nev. at 664, 747 P.2d at 1379; *see also Higgs v. State*, 126 Nev. 1, 9, 222 P.3d 648, 653 (2010) ("This court reviews the district court's decision regarding a motion for continuance for an abuse of discretion." (internal quotation marks omitted)). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Seventh Judicial District Court Dept. 2
Kelly C. Brown
Attorney General/Carson City
Eureka County District Attorney
Eureka County Clerk