

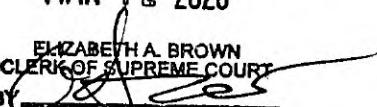
IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON ECCLES,
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. 91695

FILED

MAR 12 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying petitioner Jason Eccles' motion to dismiss a criminal indictment pursuant to the Interstate Agreement on Detainers (IAD).

Having considered Eccles' petition, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition).

Under the IAD, a prisoner in another state who is subject to a detainer in Nevada may request timely disposition of that prosecution and may move to dismiss if the State does not commence trial within 180 days

of notice of the request. *Diaz v. State*, 118 Nev. 451, 453-54, 50 P.3d 166, 167 (2002) (interpreting Article III(a) of the IAD enacted in NRS 178.620). “[T]he 180-day time period in Article III(a) of the IAD does not commence until the prisoner’s request for final disposition of the charges against him has actually been delivered to the court and prosecuting officer of the jurisdiction that lodged the detainer against him.” *Fex v. Michigan*, 507 U.S. 43, 52 (1993). Article III(a) requires the request to be accompanied by

a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

NRS 178.620, art. III(a).

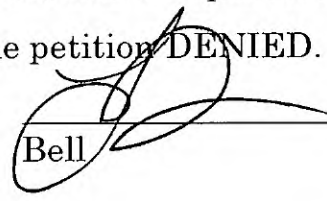
While Eccles indicated some of this information regarding his California sentence was included in documents he filed with the Nevada court, the notice provided failed to adequately indicate the time already served, the time remaining to be served, the good time credits earned, parole eligibility, or any parole decisions. The district court denied the motion to dismiss because the IAD request was not accompanied by the required certificate and Eccles failed to provide all of the required information. Eccles should have submitted a written notice and request to the California custodial officer, who must then forward those materials with the required certificate to the “prosecuting official and court by registered or certified mail, return receipt requested.”¹ NRS 178.620, art. III(b); *Windham v.*

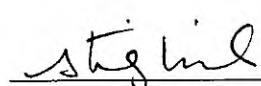
¹Should Eccles maintain that California officials violated his rights under the IAD, any procedural deficiencies on the part of the sending state


State, 118 Nev. 226, 230, 43 P.3d 993, 996 (2002) (“The Agreement contemplates a prisoner giving his request for final disposition to an officer of the prison in which he is confined—not sending the request himself.”).

Eccles argues that *United States v. Smith*, 696 F. Supp. 1381 (D. Or. 1988), supports commencing the 180-day clock upon a prisoner’s sending materials to the receiving court and prosecutor. That argument is mistaken for two reasons. First, the United States Supreme Court in *Fex* rejected that proposition. See 507 U.S. at 49-50; *State v. Panick*, 2012 WL 10885, at *3 (Wisc. Ct. App. 2012) (recognizing that *Fex* rejected the interpretation used in *Smith*). And second, the materials sent to the Nevada court and prosecuting agency failed to meet the IAD requirements. We have not resolved whether a prisoner may substantially comply with the IAD’s requirements by personally conveying the required information. *Windham*, 118 Nev. at 230-32, 43 P.3d at 996-97. Even if such substantial compliance were sufficient, Eccles fails to meet that standard. The materials lacked required information and were not provided by certified or registered mail. The record supports the district court’s determination that Eccles failed to satisfy the IAD’s requirements. Accordingly, we

ORDER the petition DENIED.

 _____, J.
Bell

 _____, J.
Stiglich

 _____, J.
Cadish

would not invalidate a Nevada prosecution or conviction. *Biondi v. State*, 101 Nev. 252, 255, 699 P.2d 1062, 1064 (1985). And we express no opinion whether Eccles would prevail on a claim pursuant to 42 U.S.C. § 1983. Cf. *Bush v. Muncy*, 659 F.2d 402, 406 (4th Cir. 1981) (recognizing that § 1983 may provide relief from IAD violations).

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