

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD WILLIAM KOVACH,
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. 92262

FILED

MAR 13 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER GRANTING EMERGENCY PETITION
FOR WRIT OF MANDAMUS*

This emergency petition for a writ of mandamus or prohibition challenges a district court order revoking petitioner's own recognizance release.

On February 25, 2026, a pretrial services officer filed a recommendation in the district court to modify petitioner's pretrial services supervision, asserting that petitioner had violated a no-contact condition of release and had been "rearrested" on a new charge of violating a domestic violence emergency protection order. Less than two hours later, the district court entered an order revoking petitioner's own recognizance release. The order stated that petitioner would remain in custody pending further order of the court and indicated that the court would set a hearing on his custody status upon request from counsel.

Petitioner now challenges that order by emergency petition for a writ of mandamus or prohibition, asserting that the court unlawfully revoked his own recognizance release without an evidentiary hearing, per NRS 178.4851(7) and *Johnston v. Eighth Jud. Dist. Ct.*, 138 Nev. 700, 708, 518 P.3d 94, 102 (2022). Petitioner asserts that counsel has filed two motions seeking a hearing on his custody status but the court has not responded or set a hearing.

NRS 178.4851(7) provides that the court may revoke bail and remand a person into custody based on a violation of a condition of pretrial release “after providing the person with reasonable notice and an opportunity for a hearing.” In *Johnston*, we recognized that, while NRS 178.4851 does not set out specific time limits, a person “detained for allegedly violating a condition of pretrial release has a due process right to a prompt hearing after arrest.” *Johnston*, 138 Nev. at 707, 518 P.3d at 102. In that case, the petitioner had been held in custody for over a month without a hearing. *Id.* at 706, 518 P.3d at 101.

Here, petitioner’s own recognizance release was revoked without notice or hearing, and it has been over 15 days since petitioner was rearrested and taken into custody, apparently with no hearing scheduled. We conclude that the district court improperly failed to afford petitioner a prompt hearing per *Johnston* and NRS 178.4851(7) before revoking his own recognizance release. Accordingly, while we decline to reinstate petitioner’s own recognizance release or prohibit his continued detention absent a hearing, we conclude that his alternative request to compel an immediate hearing is warranted. *See State v. Second Jud. Dist. Ct.*, 136 Nev. 191, 194,

