


IN THE SUPREME COURT OF THE STATE OF NEVADA

SKYLER DANIEL ANTHONIJSZ,
Petitioner,
vs.
THE THIRD JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF LYON;
AND THE HONORABLE JOHN
SCHLEGELMILCH, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 91911

FILED

APR 1 / 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus or prohibition challenges a district court decision to deny an application for diversion to a program of treatment under NRS 484C.340(1).

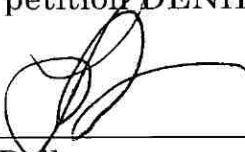
Having considered petitioner Skyler Daniel Anthonijsz's petition, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; NRS 34.320; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief 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).

When the district court sentenced Anthonijsz in case no. 25-CR-0386, Anthonijsz had previously applied for diversion pursuant to NRS 484C.340(1) in a separate case and was therefore ineligible to apply again


under NRS 484C.340(7). While Anthonijsz argues that the State unfairly waited until after Anthonijsz had been admitted to diversion in the first DUI case before charging the second DUI, Anthonijsz identifies no bases meriting relief in this regard. No statutory mechanism permitted the district court to treat the second application as an amendment to the application for diversion that Anthonijsz filed several months earlier in the other case. And the rule of lenity does not allow us to read a new provision into the diversion statute. *See generally State v. Lucero*, 127 Nev. 92, 99, 249 P.3d 1226, 1230 (2011) (“The rule of lenity is a rule of construction that demands that ambiguities in criminal statutes be liberally interpreted in the accused’s favor.” (citation modified)). Further, though the petition purports to seek prohibition relief, Anthonijsz does not argue that the district court acted in excess of its jurisdiction, and the district court had jurisdiction over Anthonijsz and the criminal case. *See Goicoechea v. Fourth Jud. Dist. Ct.*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980) (providing that a writ of prohibition “will not issue if the court sought to be restrained had jurisdiction to hear and determine the matter under consideration”). Insofar as Anthonijsz requests prohibition relief to stay the district court from imposing sentence during the pendency of this petition, that request is now moot in light of this disposition.

Accordingly, we

ORDER the petition DENIED.


_____, J.
Bell


_____, J.
Stiglich


_____, J.
Cadish

cc: Hon. John Schlegelmilch, District Judge
Brock Law, Ltd.
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk