IN THE SUPREME COURT OF THE STATE OF NEVADA

D.C., JR., A MINOR,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE JERRY WIESE, DISTRICT COURT CHIEF JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 90963

FILED
MAR 27 2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus challenging a district court's order denying a motion to disqualify a judge presiding over juvenile court proceedings.

Petitioner D.C., Jr., seeks mandamus relief, asserting that the district court manifestly abused its discretion in denying his motion to disqualify Judge Linda Marquis. D.C. reasons that the State did not have standing to oppose the motion to disqualify, that the record established Judge Marquis developed a deep-seated antagonism against D.C. and his counsel, that her impartiality might reasonably be questioned, and that the district court failed to consider or address the majority of D.C.'s stated grounds for recusal. We disagree and deny D.C.'s petition on its merits.

Writ relief is an extraordinary remedy, and it is therefore "within the discretion of this court to determine if a petition will be considered." *Clay v. Eighth Jud. Dist. Ct.*, 129 Nev. 445, 450, 305 P.3d 898,

901 (2013). "A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse or arbitrary or capricious exercise of discretion." *State v. Eighth Jud. Dist. Ct. (Armstrong)*, 127 Nev. 927, 931, 267 P.3d 777, 779 (2011) (citations omitted); NRS 34.160. "Petitioners carry 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).

We have recognized the propriety of extraordinary writ review in assessing questions of judicial disqualification. *See Towbin Dodge, LLC v. Eighth Jud. Dist. Ct.*, 121 Nev. 251, 254-55, 112 P.3d 1063, 1066 (2005) (recognizing that "a petition for a writ of mandamus is the appropriate vehicle to seek disqualification of a judge"). Moreover, the question of whether a nonmoving party has standing to oppose a motion to disqualify is an important and novel legal issue. We thus exercise our discretionary authority and entertain the instant petition.

Standing

D.C. filed a motion to disqualify Judge Marquis from the juvenile proceedings, which included a supporting affidavit and several exhibits. Judge Marquis issued a response to D.C.'s motion, claiming she "has no actual or implied bias or prejudice towards either party," and "has no deep-seated favoritism or antagonism." The State subsequently filed an opposition to D.C.'s motion, arguing that Judge Marquis had not shown bias, prejudice, or favoritism to either side.

D.C. filed a motion to strike the State's opposition, arguing that the State lacked standing under NRS 1.235 to oppose such motion. Eighth Judicial District Court Chief Judge Jerry Wiese presided over the motion. Chief Judge Wiese determined that certain rules and statutes, other than NRS 1.235, permitted the State to oppose D.C.'s accusations against Judge

Marquis. D.C. argues the district court manifestly abused its discretion in permitting the State to oppose his motion because the State lacked standing to do so.

We address standing issues de novo. *Arguello v. Sunset Station, Inc.*, 127 Nev. 365, 368, 252 P.3d 206, 208 (2011). "We . . . recognize statutory standing in cases where the Legislature has created a right and provided a statutory vehicle to vindicate that right [which] relaxes otherwise applicable standing requirements." *NAMIC v. State, Div. of Ins.*, 139 Nev. 18, 22, 524 P.3d 470, 476 (2023). "In the tradition of our long-standing jurisprudence, we first look at the language of the statute itself to determine if it confers statutory rights that are broader than constitutional standing would allow." *Citizens for Cold Springs v. City of Reno*, 125 Nev. 625, 630-31, 218 P.3d 847, 851 (2009). "We review questions of law and statutory construction de novo." *Id.* at 629, 218 P.3d at 850.

D.C. argues that the unambiguous language of NRS 1.235 does not provide a mechanism for the State to oppose a motion to disqualify a judge. A plain language reading of NRS 1.235 does not resolve the issue presented here. NRS 1.235 provides, in pertinent part, that the judge "may challenge an affidavit alleging bias or prejudice by filing a written answer . . . admitting or denying any or all of the allegations contained in the affidavit." NRS 1.235(7). But NRS 1.235 is silent as to whether a nonmoving party in the proceeding may oppose the motion for disqualification. We therefore turn to principles of statutory construction to determine its meaning. *Citizens for Cold Springs*, 125 Nev. at 630-31, 218 P.3d at 851; *see also Allstate Ins. Co. v. Fackett*, 125 Nev. 132, 138, 206 P.3d 572, 576 (2009) ("We only look beyond the plain language [of a statute] if it is ambiguous or silent on the issue in question.").

D.C. argues that the expressio unius est exclusio alterius statutory interpretation canon requires this court to interpret NRS 1.235's inclusion of the accused judge's response as excluding the State's opposition. *See State v. Javier C.*, 128 Nev. 536, 541, 289 P.3d 1194, 1197 (2012). This principle, however, "is properly applied only when the result to which its application leads is itself logical and sensible." *Arizona State Dept. of Pub. Welfare v. Dep't of Health, Ed. & Welfare*, 449 F.2d 456, 472 (9th Cir. 1971). D.C.'s interpretation ignores the pragmatic aspect of motion practice and the district courts' prerogative to regulate court procedure. *See Lyft, Inc. v. Eighth Jud. Dist. Ct.*, 137 Nev. 832, 833, 501 P.3d 994, 997 (2021) ("The judiciary has the power to regulate court procedure, and the Legislature may not enact a procedural statute that would abrogate a preexisting court rule."). Moreover, because this issue deals with court procedure, it is imperative to interpret NRS 1.235 in the context of other procedural rules. *See Watson Rounds P.C. v. Eighth Jud. Dist. Ct.*, 131 Nev. 783, 789, 358 P.3d 228, 232 (2015) ("[W]henever possible, a court will interpret a rule or statute in harmony with other rules or statutes." (quoting *Nev. Power Co. v. Haggerty*, 115 Nev. 353, 364, 989 P.2d 870, 877 (1999)).

Though Chief Judge Wiese did not indicate which rules or statutes permitted opposition to D.C.'s motion, the Rules of Practice for the Eighth Judicial District Court (EDCR) govern. EDCR 2.20(e) establishes that upon filing and service of a motion, "the opposing party must serve and file written notice of nonopposition or opposition thereto," and that failure "to serve and file written opposition may be construed as an admission that the motion . . . is meritorious and a consent to granting the [motion]." Thus, while NRS 1.235 is silent on whether a nonmoving party may oppose a motion to disqualify upon receiving service, the local court rule not only permits the nonmoving party to file an opposition, but it *requires* it to do so

unless it wishes to risk the motion being deemed meritorious and granted. *See Margold v. Eighth Jud. Dist. Ct.*, 109 Nev. 804, 806, 858 P.2d 33, 35 (1993) ("Court rules, when not inconsistent with the Constitution or certain laws of the state, have the effect of statutes."). Notably, NRS 1.235 does not explicitly prohibit the nonmoving, opposing party from filing a responsive pleading or the court from considering it.

Here, although NRS 1.235 only requires that a copy of the affidavit "be served upon *the judge sought to be disqualified*[,]" and does not mention service upon the nonmoving party, NRS 1.235(5) (emphasis added), D.C. filed and served his motion to disqualify on Judge Marquis *and the State*. Given that D.C. served the State, Chief Judge Wiese allowed the State to oppose the motion, which is expressly permitted under EDCR 2.20(e) and not barred by NRS 1.235. Therefore, Chief Judge Wiese did not manifestly abuse his discretion in applying local court rules to regulate court procedure when the statute and other court rules were silent on the matter. *See* NRCP 83(b) ("In all cases not provided for by rule, the district courts may regulate their practice in any manner not inconsistent with [the NRCP]."). We cannot read the silence within NRS 1.235 to preclude the State's opposition. Such interpretation would be inconsistent with the EDCR and the district courts' authority to regulate court procedure.[1]

---

[1]D.C. also argues the State lacks constitutional standing and cannot be considered a real-party-in-interest to the disqualification proceedings. Since we resolve the issue under statutory standing, we do not consider D.C.'s additional arguments. *See Miller v. Burk*, 124 Nev. 579, 588-89, 589 n.26, 188 P.3d 1112, 1118-19, 1119 n.26 (2008) (explaining that this court need not address issues that are unnecessary to resolve the case at bar).

Disqualification is not warranted

D.C. next argues Judge Marquis holds a deep-seated antagonism toward him and his counsel, which makes fair judgment impossible, and the record reasonably calls her impartiality into question.

Judges have a duty to preside "in the absence of some statute, rule of court, ethical standard, or other compelling reason to the contrary." *Ham v. Eighth Jud. Dist. Ct.*, 93 Nev. 409, 415, 566 P.2d 420, 424 (1977). "A judge is presumed to be impartial, and the party asserting the challenge carries the burden of establishing sufficient factual grounds warranting disqualification." *Rippo v. State*, 113 Nev. 1239, 1248, 946 P.2d 1017, 1023 (1997). This court affords substantial weight to a judge's assessment of their own impartiality. *Sonner v. State*, 112 Nev. 1328, 1335, 930 P.2d 707, 712 (1996).

In *Canarelli v. Eighth Judicial District Court*, 138 Nev. 104, 108-10, 506 P.3d 334, 338-39 (2022), we adopted the heightened standard for judicial disqualification, as set forth in *Liteky v. United States*, 510 U.S. 540 (1994). "When the alleged bias or question of partiality arises from a judge's exercise of her duties, the party seeking the judge's disqualification must show that the judge has formed an opinion displaying deep-seated favoritism or antagonism toward the party that would prevent fair judgment." *Canarelli*, 138 Nev. at 110, 506 P.3d at 339. Conversely, when the alleged bias stems from an extrajudicial source—"something other than rulings, opinions formed, or statements made by the judge during the course of trial"—we apply Nevada Code of Judicial Conduct (NCJC) Rule 2.11(A). *See Canarelli*, 138 Nev. at 107, 506 P.3d at 337 (quoting 48A C.J.S. *Judges* § 252 (2014)). NCJC Rule 2.11(A) provides that a judge must be disqualified whenever the judge's "impartiality might reasonably be questioned." Therefore, we bifurcate the disqualification analysis to address D.C.'s

arguments as they relate to Judge Marquis's exercise of her judicial duties, as well as her extrajudicial activity.

Bias in the exercise of judicial duties

D.C. argues that during the proceedings, Judge Marquis formed a deep-seated antagonism towards him and his counsel by issuing various orders and rulings to keep him in custody. And he asserts that Judge Marquis demonstrated further bias towards him based on his intellectual disability and by arbitrarily disregarding relevant medical evaluations, verbally antagonizing his counsel, exhibiting negative facial expressions and nonverbal conduct towards his counsel, and repeatedly misapplying the law.

Reviewing the record, we disagree with D.C.'s contentions. D.C. complains of Judge Marquis's rulings, orders, and comments throughout the proceedings. But judicial rulings or comments on their own "almost never constitute a valid basis for a bias or partiality motion." *Liteky*, 510 U.S. at 555. We cannot conclude that the high bar adopted in *Canarelli* has been met based upon orders and rulings that provide no evidence that Judge Marquis possessed a "deep-seated favoritism or antagonism toward [D.C.] that would prevent fair judgment." 138 Nev. at 110, 506 P.3d at 339.

We are also not convinced Judge Marquis developed bias against D.C. based on his intellectual disability. The record shows Judge Marquis contemplated several relevant factors before concluding D.C. must remain in custody—including evidence of D.C.'s dangerousness through school records, social media posts, and medical evaluations.[2] Judge

[2]Judge Marquis granted D.C. an evidentiary hearing on the issue of dangerousness despite the juvenile statute not contemplating such hearing—further evidencing a lack of bias in this case.

Marquis's assessment of D.C.'s incompetence was a relevant and proper consideration in determining his dangerousness. *See* NCJC Rule 2.3(D) (stating judges are not precluded "from making legitimate reference to the listed factors [such as disability], or similar factors, when they are relevant to an issue in a proceeding").

We remain unconvinced that Judge Marquis's verbal and nonverbal conduct demonstrated a deep-seated antagonism. Though Judge Marquis displayed annoyance by commenting that D.C.'s counsel was belittling the court and wasting the court's time, it appears her intent was to ensure orderly conduct and not to antagonize. *See Leonard v. State*, 114 Nev. 1196, 1211, 969 P.2d 288, 298 (1998) (holding the appellant was not denied a fair trial because although "the court may have displayed some irritation with defense counsel, the clear intent of its remarks was to save time; it was not directing animus toward defense counsel"). Such annoyance does not show Judge Marquis closed her mind to the presentation of evidence. *See Cameron v. State*, 114 Nev. 1281, 1283, 968 P.2d 1169, 1171 (1998) ("[R]emarks of a judge made in the context of a court proceeding are not considered indicative of improper bias or prejudice unless they show that the judge has closed his or her mind to the presentation of all the evidence."). Moreover, D.C.'s subjective assumptions about Judge Marquis's nonverbal conduct—her facial expressions and alleged refusal to look at counsel—do not warrant disqualification.[3] *See*

[3]We note that D.C. submitted JAVs videos to the district court, but because they were not provided in the record for this original proceeding, we assume the videos support the district court's ruling. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) ("When [a party] fails to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court's decision.").

City of Las Vegas Downtown Redevelopment Agency v. Hecht, 113 Nev. 644, 649, 940 P.2d 134, 137 (1997) (recognizing judicial disqualification requires a judge's bias toward an attorney to be extreme). In line with Chief Judge Wiese's conclusion, we fail to see how facial expressions and staring down at a computer show Judge Marquis formed a deep-seated antagonism toward D.C.'s counsel.

Finally, we disagree that Judge Marquis misapplied the law throughout the proceedings. To the extent that D.C. relies on *Valdez-Jimenez v. Eighth Judicial District Court*, 136 Nev. 155, 460 P.3d 976 (2020), to argue that the burden of proof regarding a juvenile's custody status lies with the State, we are not persuaded such case applies here. In *Valdez*, this court confronted "what process is constitutionally required when a district court sets bail in an amount that the defendant cannot afford, resulting in pretrial detention." *Id.* at 155-56, 460 P.3d at 980. *Valdez* is distinguishable from the instant case. D.C. is subject to delinquency proceedings in juvenile court rather than criminal prosecution. *See* N.R.Cr.P. 1 (establishing that rules of criminal practice "do not apply to juvenile proceedings"). D.C. does not appear to even demonstrate error as he continuously requested to be released *before* his competency determination. *See* NRS 62D.145(2) (stating that before competency is determined, "the juvenile court shall consider the appropriate placement of the child and any services or other care . . . that are necessary for the well-being of the child or for public safety, and may issue any necessary orders"). Moreover, the juvenile court has broad discretion with regard to a child's custody status. *See* NRS 62C.010. Therefore, Judge Marquis's conduct did not indicate a deep-seated antagonism toward D.C.

Thus, we conclude that in the context of alleged bias arising from Judge Marquis's exercise of her duties, the record does not support disqualification; thus, D.C. has not met his burden for extraordinary relief.[4]

Bias from extrajudicial activity

D.C. argues Judge Marquis's extrajudicial conduct—her participation in a seminar in which she purportedly discussed D.C.'s case—also warrants disqualification. The seminar in question discussed the ramifications on juvenile competency proceedings due to D.C.'s appeal to this court after competency and certification hearings before Eighth Judicial District Court Judge William Voy. *See generally Matter of D.C.*, 140 Nev., Adv. Op. 25, 546 P.3d 810, 817-19 (2024) (holding the district court erred by applying juvenile competency standards in its conclusion that D.C. was competent to stand trial as an adult). Within this context, we apply the objective standard under NCJC Rule 2.11(A), which provides that a judge must be disqualified whenever the judge's "impartiality might reasonably be questioned." *Canarelli*, 138 Nev. at 108-09, 506 P.3d at 338-39.

D.C. asserts that during the seminar, Judge Marquis indicated her intent to keep D.C. in custody through competency restoration by disregarding expert competency evaluations in his case. D.C. also highlights that Judge Marquis did not invite his counsel to the seminar and instead scheduled a hearing the same day as the seminar. D.C. contends that the seminar is grounds to reasonably question her impartiality under NCJC Rule 2.11(A), and her statement violates NCJC Rule 2.10.

---

[4]D.C. also argues the lack of factual dispute by the State and Judge Marquis requires this court to construe his factual allegations as true. However, the State and Judge Marquis did in fact respond, and thus, we conclude that D.C.'s argument lacks merit.

Judge Marquis's impartiality cannot be reasonably questioned under NCJC Rule 2.11(A) based on the seminar and her statement therein. The record shows that the seminar generally discussed how this court's decision in *Matter of D.C.* affects juvenile competency proceedings going forward. Although the seminar's topics coincided with the underlying proceedings, it does not appear that Judge Marquis, or the seminar, explicitly discussed D.C.'s ongoing case. And while D.C.'s counsel was not present for the seminar, Judge Marquis notified and invited the head of the public defender's juvenile delinquency division, minimizing concerns of improper ex parte communications. Thus, the seminar itself is not an adequate basis to reasonably question Judge Marquis's impartiality.

When "'a judge has a general opinion about a legal or social matter that relates to the case before him or her [such comments] do[ ] not disqualify the judge from presiding over the case.'" *Cameron*, 114 Nev. at 1283, 968 P.2d at 1170 (quoting Jeffrey M. Shaman et al., *Judicial Conduct and Ethics* § 4.04, at 101 (2d ed. 1995)). Judge Marquis's comment—posted in the seminar's online chat—provides:

> Judge [Marquis] was noting the difference between information being presented to a JURY in the criminal courts (and how that requires great clarity on who can determine what and testify to an ultimate issue) and information being presented to [a] JUDGE who would feel very free to disregard or limit how information is used.

Contrary to D.C.'s argument, Judge Marquis's comment reflects her general opinion regarding the difference between information presented to a jury and information presented to a judge. While her statement appears to comment on a legal matter that *relates* to D.C.'s case, we fail to see how Judge Marquis's general opinion indicated her intent to keep D.C. in custody. Thus, we conclude that Judge Marquis's impartiality could not be

reasonably questioned based on her comment at the seminar. Nor can this comment violate NCJC Rule 2.10, as it would not appear to "reasonably be expected to affect the outcome or impair the fairness" of D.C.'s case. NCJC Rule 2.10(A). The comment similarly does not constitute a pledge, promise, or commitment "that [is] inconsistent with the impartial performance of the adjudicative duties of judicial office." NCJC Rule 2.10(B).

In sum, we conclude the seminar, and Judge Marquis's comment made therein, do not provide an adequate basis to reasonably question her impartiality under NCJC Rule 2.11(A).[5]

The district court properly denied D.C.'s motion to disqualify

D.C. argues that Chief Judge Wiese manifestly abused his discretion in denying the motion to disqualify because his decision was based on arguments not made or supported by the record, he failed to consider or address the grounds raised in the motion, and failed to consider the evidence of Judge Marquis's conduct. As detailed, this court will only grant relief upon review of a district court's decision resolving a motion to disqualify "to control a manifest abuse or arbitrary or capricious exercise of discretion." *See Armstrong*, 127 Nev. at 931, 267 P.3d at 779.

In the order denying the motion to disqualify, Chief Judge Wiese appropriately pursued evidence of bias or partiality to find some indication of the requisite "deep-seated favoritism or antagonism," or that Judge Marquis's impartiality could be reasonably questioned, and

---

[5]To the extent D.C. argues that Judge Marquis's decision to schedule a hearing the same day as the seminar also warrants disqualification, we conclude that such argument lacks merit. Judge Marquis appointed a judge pro tempore with specific instructions for the hearing, and such hearing was only scheduled to determine whether the parties would stipulate to D.C.'s present incompetence.

ultimately reached the same conclusion as this court. Chief Judge Wiese's order stated that he reviewed and considered all pleadings, exhibits, and testimony, and found no evidence that Judge Marquis acted with any bias or prejudice against D.C. Therefore, we reject D.C.'s arguments that Chief Judge Wiese manifestly abused his discretion in denying disqualification of Judge Marquis for actual bias or prejudice. And although D.C. suggests otherwise, the record does not support that this is one of the "exceedingly rare cases where reassignment" pursuant to this court's supervisory authority "is necessary to preserve public confidence and trust in the fairness of a judicial proceeding." *Williams v. Second Jud. Dist. Ct.*, 142 Nev., Adv. Op. 5, 583 P.3d 223, 226 (2026).

Accordingly, we

ORDER the petition DENIED.[6]

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Bell, J.
Bell

[6]In light of this order, we vacate the stay ordered by this court on August 4, 2025.

cc: Hon. Jerry A. Wiese, Chief Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney/Juvenile Division
Eighth District Court Clerk