FILED
11/12/2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

HUGO SANCHEZ A/K/A HUGO SANCHEZ-CEBALLO, Petitioner, vs. THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE AND THE HONORABLE EGAN K. WALKER, DISTRICT COURT JUDGE, Respondents, and THE STATE OF NEVADA, Real Party in Interest.	No. 90766

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order dismissing a petition to establish factual innocence without prejudice. A writ of mandamus is an extraordinary remedy, and it is within the discretion of this court to determine whether a petition will be considered. *Poulos v. Eighth Jud. Dist. Ct.*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); *see also State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983). Mandamus relief is appropriate "where there is not a plain, speedy and adequate remedy in the ordinary course of law." NRS 34.170. We elect to entertain the petition because petitioner Hugo Sanchez cannot appeal from the dismissal order. *See* NRS 34.970(9); *Sanchez v. State*, 140 Nev., Adv.

Op. 78, 561 P.3d 35, 38-40 (2024) (recognizing that "no court rule or statute authorizes an appeal from an order dismissing an innocence petition without prejudice").

Mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Chasing Horse v. Eighth Jud. Dist. Ct.,* 140 Nev., Adv. Op. 63, 555 P.3d 1205, 1211 (2024). Sanchez asserts the district court manifestly abused its discretion in applying the factual innocence statutes. Having reviewed the petition and related filings, we are not convinced that the district court's order reflects an arbitrary or capricious exercise or manifest abuse of discretion. *See State v. Eighth Jud. Dist. Ct. (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (defining mandamus standards).

Sanchez pleaded guilty to sexually seducing and pandering I.S., a 14-year-old girl; and committing lewd acts with or upon the body of F.W., I.S.'s 12-year-old sister. *See* NRS 200.368 (statutory sexual seduction); NRS 201.230 (lewdness); NRS 201.300 (pandering). Nine years after admitting to the crimes, Sanchez filed an amended factual innocence petition in which Sanchez alleged he is innocent of the two lewdness counts relating to F.W. The district court dismissed the petition without prejudice under NRS 34.960. Among other reasons for dismissal, the district court determined that Sanchez's allegations did not establish factual innocence as defined in NRS 34.920 because Sanchez did not allege innocence of the convictions relating to I.S.

To establish factual innocence, a petitioner must establish they did not "[c]ommit *any other crime* arising out of or reasonably connected to the facts supporting the indictment or information upon which he or she was convicted."

NRS 34.920(3) (emphasis added). The information upon which Sanchez was convicted alleged that the offenses involving both victims occurred at the same place and over the same time. Although Sanchez's involvement in the prostitution of I.S. occurred broadly within Washoe County, the lewd acts involving F.W., to which Sanchez now claims innocence, and the statutory sexual seduction of I.S. occurred at Sanchez's residence, specifically. All of Sanchez's unlawful acts occurred during the course of two weeks. Because the four crimes here were "connected to" one another, and Sanchez asserted factual innocence of only some of the crimes, the district court determined the assertion of factual innocence did not satisfy NRS 34.920(3)'s requirement that the petitioner did not commit any other crime arising out of the same facts.

On these facts, we cannot conclude that the district court's application of the factual innocence statutes was clearly erroneous or that its decision was arbitrary or capricious or unreasoned. Even accepting as credible Sanchez's allegation that he did not commit the F.W. lewdness offenses, *see Bennett v. State*, 138 Nev. 268, 273-74, 508 P.3d 410, 414-15 (2022) (requiring an assumption that newly discovered evidence is credible at the pleading stage), Sanchez committed the crimes against I.S., thus conceding the facts supporting the offenses alleged in the information. As a result, Sanchez has not shown the district court manifestly abused its discretion in concluding that the innocence petition failed to satisfy initial review.[1] *See* NRS 34.960(2); *Sanchez*, 140 Nev., Adv. Op. 78, 561 P.3d 35, 38-39 (2024) (discussing initial review under the factual innocence statutes). Accordingly, we

ORDER the petition DENIED.

---

[1]Given our disposition, we need not entertain Sanchez's other challenges to the district court's order.

Stiglich, J.

Cadish, J.

Lee, J.

cc: Hon. Egan K. Walker, District Judge
Attorney General/Carson City
The Law Office of Kristina Wildeveld & Associates
Washoe County District Attorney
Second Judicial District Court Clerk