

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES ROBERT BONETTI,
Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE;
AND THE HONORABLE KIMBERLY A.
WANKER, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 83634

FILED

MAR 17 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER INVITING RESPONDENT DISTRICT COURT JUDGE TO
ANSWER THE PETITION*

This petition for a writ of mandamus, or alternatively, prohibition challenges the district court's decision to reject a guilty plea. The Nye County District Attorney's Office filed an answer, conceding that the petition should be granted. Having reviewed the petition and answer, we have determined that an answer from the respondent district court judge may aid this court in resolving the petition. *See* NRAP 21(b)(4) ("In extraordinary circumstances, the court may invite the trial court judge to address the petition."). Accordingly, the respondent district court judge shall have 28 days from the date of this order to file an answer, including any authorities, against issuance of the requested writ. In addition to the issues presented by petitioner, the answer should address whether the factors that determine when a district court may exercise its discretion to reject a guilty plea, *see Sandy v. Fifth Judicial Dist. Court*, 113 Nev. 435, 439, 935 P.2d 1148, 1150 (1997), also apply to a nolo contendere plea given

that NRS 174.035(1) provides that the defendant "may plead . . . , with the consent of the court, nolo contendere." Petitioner may file a reply within 21 days from the date respondents' answer is served.

It is so ORDERED.

 C.J.

cc: Hon. Kimberly A. Wanker, District Judge
Boskovich Law Group, PLLC
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk