

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER MICHAEL  
BERARDUCCI,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, THE HONORABLE SALLY L.  
LOEHRER, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 45610

**FILED**

OCT 21 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

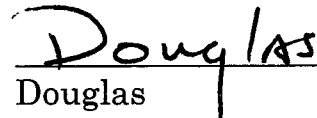
ORDER DENYING PETITION

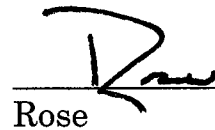
This original petition for a writ of mandamus or prohibition challenges an order of the district court denying a pretrial petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge.


Petitioner was indicted by a grand jury of open murder with the use of a deadly weapon. He contends that presentation of improper character evidence to the grand jury regarding prior uncharged misconduct requires dismissal of the indictment. Having reviewed the petition and the supporting documentation, we have concluded that this court's intervention by way of extraordinary writ is not warranted. See Robertson v. State, 84 Nev. 559, 445 P.2d 352 (1968) (despite the presentation of improper evidence, an indictment may be sustained if

the grand jury heard the slightest sufficient legal evidence and best in degree to establish probable cause to indict). Accordingly, we

ORDER the petition DENIED.

 \_\_\_\_\_, J.  
Douglas

 \_\_\_\_\_, J.  
Rose

 \_\_\_\_\_, J.  
Parraguirre

cc: Hon. Sally L. Loehrer, District Judge  
Christiansen Law Offices  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk