

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHELLI ROSE DEWEY,
Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF ELKO,
AND THE HONORABLE J. MICHAEL
MEMEO, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 46093

FILED

OCT 21 2005

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

ORDER DENYING PETITION

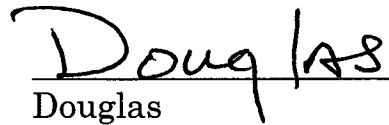
This original petition for a writ of mandamus challenges an order of the district court denying petitioner bail pending her trial on charges of open murder. Fourth Judicial District Court, Elko County; J. Michael Memeo, Judge.


Article 1, Section 7 of the Nevada Constitution (emphasis added) provides that all persons are entitled to bail pending trial except where they are charged with capital offenses or "murders punishable by imprisonment without the possibility of parole when the proof is evident or the presumption great."¹ See also NRS 174.484(4) (a defendant charged with first degree murder may be admitted to bail unless the proof is

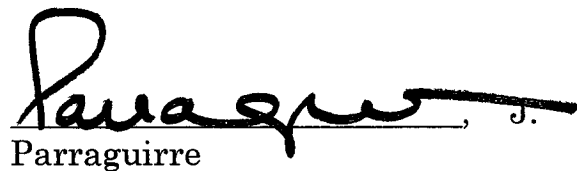
¹We note that this court's decision in In re Knast, 96 Nev. 597, 614 P.2d 2 (1980) preceded the people's ratification of an amendment to Article 1, Section 7 of the Nevada Constitution at the general election of 1980 adding the emphasized language.

evident or the presumption is great). The district court has declined to set bail for petitioner in the instant case based upon its finding that the "proof is evident and the presumption great." Having reviewed the petition and the documentation appended thereto, we are not persuaded that this court's intervention is warranted. Accordingly, we

ORDER the petition DENIED.

 _____, J.
Douglas

 _____, J.
Rose

 _____, J.
Parraguirre

cc: Hon. J. Michael Memeo, District Judge
Marc P. Picker
Attorney General Brian Sandoval/Carson City
Elko County District Attorney
Elko County Clerk