

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD ROSS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE JACKIE
GLASS, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 50153

FILED

MAY 08 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges an order of the district court denying petitioner Ronald Ross's motion to dismiss an indictment.

In March 2006, by way of both an indictment and an information, the State accused Ross of burglary; conspiracy to commit larceny from the person; grand larceny; and larceny from the person, victim 60 years of age or older. On April 11, 2006, Ross was arraigned on the indictment. The State dismissed the case that was brought by way of an information.

On May 31, 2006, Ross filed a motion to dismiss the indictment and/or allow him to be released on his own recognizance. He

claimed that the State failed to follow the prescribed procedures for obtaining a grand jury indictment. The State opposed the motion and the district court denied the motion.

On March 8, 2007, Ross filed a motion to dismiss the case. He claimed that the State violated the statutory rules regarding the use of best evidence and character evidence during grand jury proceedings. The State opposed the motion, the district court denied the motion, and Ross filed the instant petition for a writ of mandamus.

We may issue a writ of mandamus to compel the performance of a duty enjoined by law or to control a manifest abuse of discretion by a lower tribunal.¹ As a general rule, a writ will not issue if the petitioner has “a plain, speedy and adequate remedy in the ordinary course of law.”² A writ of mandamus is an extraordinary remedy and is addressed to our sound discretion.³

Here, Ross claims that the State failed to (1) follow the procedural requirements for bringing this case before the grand jury, (2) provide adequate notice of the pending grand jury proceeding, and (3) present legally sufficient evidence to the grand jury. We have considered

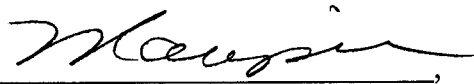
¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981).

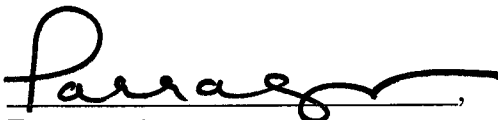
²See NRS 34.170; Hickey v. District Court, 105 Nev. 729, 731, 782 P.2d 1336, 1338 (1989).

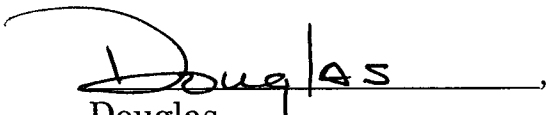
³Hickey, 105 Nev. at 731, 782 P.2d at 1338.

the documents submitted in this matter, and we conclude that our intervention in this matter is not warranted at this time. Accordingly, we

ORDER the petition DENIED.


_____, J.
Maupin


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Jackie Glass, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk