

IN THE SUPREME COURT OF THE STATE OF NEVADA

LORNE J. CREASEY,

No. 35143

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

DEC 20 2000

CLYDE M. BLOOM  
CLERK OF THE SUPREME COURT  
CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of making false statements or representations to obtain industrial insurance benefits.

Appellant contends that the district court erred in allowing the State to file an information by affidavit. We disagree. "NRS 173.035(2) allows the prosecutor to correct egregious errors made by a magistrate in failing to bind an accused over for trial." *Cipriano v. State*, 111 Nev. 534, 540, 894 P.2d 347, 351 (1995) (citing *Cranford v. Smart*, 92 Nev. 89, 545 P.2d 1162 (1976)), overruled on other grounds by *State of Nevada v. District Court*, 114 Nev. 739, 964 P.2d 48 (1998), and modified on other grounds by *Tinch v. State*, 113 Nev. 1170, 946 P.2d 1061 (1997). The corpus delicti may be proven at a preliminary hearing by slight or even marginal evidence, and the State need only present evidence supporting a reasonable inference that a crime has been committed. See *Sheriff v. Middleton*, 112 Nev. 956, 961-62, 921 P.2d 282, 286 (1996). By requiring the State to "clearly" prove the corpus delicti at the preliminary hearing, the justice's court committed egregious error in applying an incorrect standard of proof and therefore the district court did not err in granting the state leave to file an information by affidavit. Accordingly, we conclude that the district court did not err

in allowing the State to proceed by filing an information by affidavit.

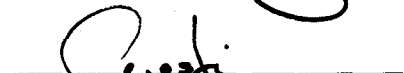
Appellant also contends that the district court erred in offering a sua sponte instruction to the jury. After reviewing the trial record, we are not convinced that the instruction had a prejudicial impact on the proceedings.

Having considered all of appellant's contentions and concluded that they lack merit, we affirm appellant's judgment of conviction.

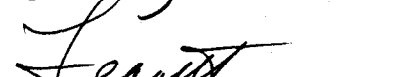
It is so ORDERED.

  
\_\_\_\_\_  
Shearing

J.

  
\_\_\_\_\_  
Agosti

J.

  
\_\_\_\_\_  
Leavitt

J.

cc: Michael P. Gibbons, District Judge  
Attorney General  
Gregory Louis Zunino, Deputy Attorney General, Reno  
Nathan Tod Young  
Douglas County Clerk