

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOMERO MERUELO,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT OF
THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK,

Respondent,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 56799

FILED

SEP 30 2010

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 a pretrial motion to dismiss the indictment. Petitioner Homero Meruelo claims that the State failed to present exculpatory evidence to the grand jury and failed to serve him with certain affidavits prior to presenting them to the grand jury. Meruelo seeks a writ of mandamus directing the district court to grant his motion to dismiss. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). In this, he raises two claims in his writ petition.


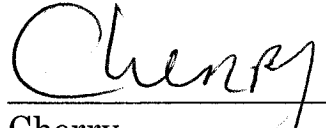
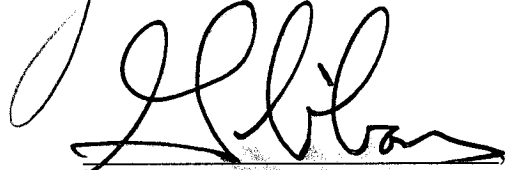
First, Meruelo claims that the district court erred by denying his motion to dismiss the indictment based on the State's failure to present exculpatory evidence to the grand jury. While this court generally abstains from reviewing pretrial challenges to the sufficiency of an indictment, we have granted mandamus relief where the State has failed to present exculpatory evidence to the grand jury as required by NRS 172.145(2). See Ostman v. District Court, 107 Nev. 563, 565, 816 P.2d 458, 459-60 (1991). However, Meruelo has not met his burden of

demonstrating that extraordinary relief is appropriate. The petition does not include the district court order denying his motion, the indictment, transcript of grand jury proceedings, or documentation of his past dealings that he contends exculpates him. Thus, he did not provide sufficient information necessary to assess the district court's conclusion that the proffered evidence was not exculpatory. See NRAP 21(a)(3), (4).

Second, Meruelo claims that the State failed to comply with the disclosure requirements of NRS 52.260 in seeking the indictment. We conclude that our intervention in this matter is unwarranted. As discussed above, Meruelo did not include transcripts of the grand jury proceedings necessary for this court to evaluate the relevance of those records or even identify the records that he contends were subject to the requirements of the statute. See NRAP 21(a)(3), (4).

Having considered the petition and documentation submitted to this court, we

ORDER the petition DENIED.

 _____, J. Saitta	 _____, J. Cherry	 _____, J. Gibbons
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cc: Eighth District Court Clerk
Attorney General/Carson City
Clark County District Attorney
De Castroverde Law Group