

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD LATTIN, III,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DONALD M. MOSLEY, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 57414

**FILED**

FEB 09 2011


TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Sharp*  
DEPUTY CLERK

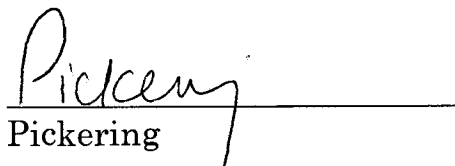
ORDER DENYING PETITION

In this original petition for a writ of habeas corpus, petitioner Edward Lattin requests an order dismissing the indictment against him for lack of probable cause. Lattin claims that insufficient evidence supports the indictment because the grand jury should not have been allowed to consider the affidavit of a State's witness who attested to the amount of prohibited substances in Lattin's blood. He argues that because no evidence was presented that the witness had been previously qualified as an expert in the district court, NRS 50.320 did not supply a hearsay exception to his affidavit testimony. Having reviewed Lattin's petition, we conclude that this court's intervention by way of writ of habeas corpus is

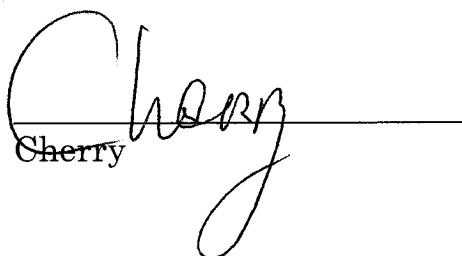
not warranted.<sup>1</sup> Accordingly, we deny the petition.

ORDER the petition DENIED.

  
Gibbons, J.

  
Pickering, J.

I concur in the result only:

  
Cherry, J.

cc: Hon. Donald M. Mosley, District Judge  
Law Offices of John G. Watkins  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We note that Lattin petitioned this court for a writ of mandamus on this issue in Lattin v. Dist. Ct., Docket No. 53932 (August 5, 2009), which we denied on the basis that the affidavit was that of a chemist and so qualified under NRS 50.320. This issue was not addressed in Cramer v. State, DMV, 126 Nev. \_\_\_, \_\_\_ n.3, 240 P.3d 8, 12 n.3 (2010), and so Cramer does not control.