

IN THE SUPREME COURT OF THE STATE OF NEVADA

LACEY RUTH-MARIE AMBRO,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALORIE VEGA, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 57941

FILED

MAY 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Lindeman*
DEPUTY CLERK


ORDER DENYING PETITION

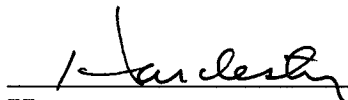
In this original petition for a writ of habeas corpus, petitioner Lacey Ambro challenges an order of the district court denying her pretrial petition for a writ of habeas corpus. In the district court proceeding, Ambro petitioned for an order dismissing the indictment against her for lack of probable cause. Ambro claimed that insufficient evidence supported 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 Ambro's blood, arguing that because the witness had not been qualified as an expert in the district court, NRS 50.320 did not supply a hearsay exception to the witness's affidavit testimony. The district court disagreed, finding that the witness's education and training were that of a chemist and concluding that the witness therefore fit the chemist's exception to qualification in district

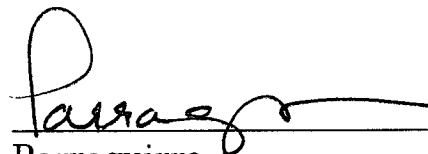
court in NRS 50.320(1).¹ We decline to disturb the district court's factual finding and conclude that this court's intervention by way of writ of habeas corpus is not warranted.²

Accordingly, we

ORDER the petition DENIED.³


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

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

¹NRS 50.320(1) states that “[t]he affidavit or declaration of a chemist and any other person who has qualified in a court of record in this State to testify as an expert . . . is admissible in the manner provided in this section.”

²We also note that although petitioner requests this court to apply Cramer v. State, DMV, 126 Nev. ___, 240 P.3d 8 (2010), to her case, the chemist-exception issue was not addressed in Cramer, see 126 Nev. at ___ n.3, 240 P.3d at 11 n.3, and so Cramer does not control.

³Ambro filed a motion to submit a reply to the State's answer on April 22, 2011. We grant the motion and have considered the reply that was included in the motion.