

IN THE SUPREME COURT OF THE STATE OF NEVADA

PRENTICE MARSHALL,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
KENNETH C. CORY, DISTRICT  
JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 58675

**FILED**

JUL 14 2011

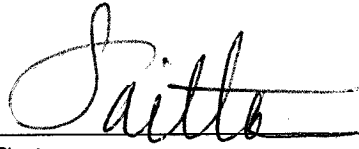
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Anderson*  
DEPUTY CLERK

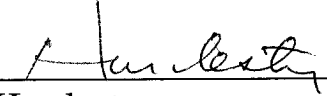
ORDER DENYING PETITION

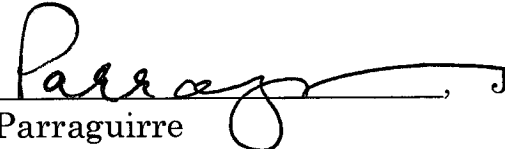
This original petition for a writ of mandamus challenges a district court order denying petitioner's motion to dismiss an indictment on the grounds that the real party in interest introduced inadmissible evidence, namely bad act evidence, to the grand jury, thereby tainting the proceedings. Having reviewed the grand jury transcript and the district court's ruling, we conclude that even if the challenged evidence was improperly introduced, sufficient evidence supports the grand jury's finding of probable cause, see Avery v. State, 122 Nev. 278, 285, 129 P.3d 664, 669 (2006) (stating that "despite the presentation of improper or inadmissible evidence to a grand jury, an indictment will be sustained 'if there is the slightest sufficient legal evidence and best in degree appearing in the record'" (quoting Robertson v. State, 84 Nev. 559, 561-62, 445 P.2d 352, 353 (1968)); Dettloff v. State, 120 Nev. 588, 595, 97 P.3d 586, 590 (2004). Because the district court did not manifestly abuse its discretion

by denying petitioner's motion to dismiss the indictment, see NRS 34.160, we deny the petition, see NRAP 21(b).

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Kenneth C. Cory, District Judge  
Patti, Sgro & Lewis  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We deny petitioner's motion to stay the district court proceedings.