

IN THE SUPREME COURT OF THE STATE OF NEVADA

AUTUMN DAWN MURRY,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
STEFANY MILEY, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 59372

**FILED**

NOV 18 2011

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

ORDER DENYING PETITION

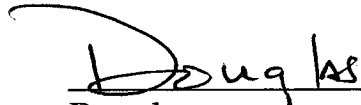
This original petition for a writ of mandamus or prohibition challenges an order of the district court denying a pretrial petition for a writ of habeas corpus. Petitioner Autumn Dawn Murry claims that the State failed to present exculpatory evidence to the grand jury. Murry seeks a writ of mandamus or prohibition directing the district court to grant her pretrial habeas petition. See NRS 34.160; NRS 34.320; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981).

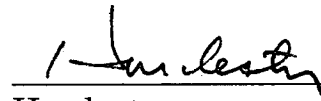
Murry claims that the State failed to present all available exculpatory evidence to the grand jury in the proper admissible form. See Ostman v. District Court, 107 Nev. 563, 565, 816 P.2d 458, 459-60 (1991)

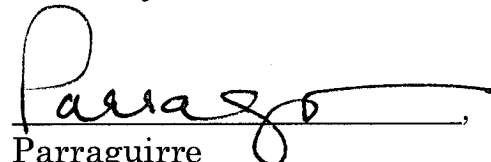
(granting mandamus relief where State failed to present exculpatory evidence to grand jury). While she acknowledges that the State did present an exculpatory witness statement, she contends that it was inadmissible hearsay and thus did not satisfy the State's obligation pursuant to NRS 177.145(2). We conclude that extraordinary relief is not warranted on this claim. Even if the State had presented the transcript of the witness's recorded statements, the grand jury heard overwhelming evidence to support a true bill for murder, which included evidence that Murry confessed to killing the victim to a friend, later altered her appearance, and made arrangements to leave the jurisdiction. Thus, Murry cannot demonstrate a reasonable probability that the grand jury would not have found probable cause existed to indict her if the State had introduced the recorded statement. See Lay v. State, 110 Nev. 1189, 1198, 886 P.2d 448, 454 (1994) (“[A] defendant shows prejudice [sufficient to warrant dismissal of an indictment] only when there is a reasonable probability that the outcome would have been different absent the misconduct.”); Sheriff v. Keeney, 106 Nev. 213, 216, 791 P.2d 55, 57 (1990) (providing that defendant must demonstrate substantial prejudice resulting from governmental misconduct to justify dismissal of indictment). Because Murry has not demonstrated that the district court manifestly abused its discretion or exceeded its jurisdiction by denying her

pretrial petition for a writ of habeas corpus, see NRS 34.160; NRS 34.320,  
we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Douglas

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

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

cc: Hon. Stefany Miley, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk