

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACQUELINE GASSERY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DOUGLAS W. HERNDON, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 59425

FILED

FEB 24 2012

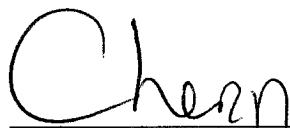
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER GRANTING MOTION AND DENYING PETITION


This original petition for a writ of mandamus challenges the district court's denial of a motion to dismiss an indictment against her in which she argued that she was provided inadequate notice of the grand jury proceedings under NRS 172.241. Specifically, petitioner contends that the written notice of intent to seek an indictment is inadequate because it was not served on her, as evidenced by the lack of her signature on the document and affidavits from her and counsel stating that notice was not served. See NRS 172.241(2)(a). Additionally, petitioner argues that any alleged oral notice was insufficient because it lacked the information required under NRS 172.241(2)(b) (providing that notice is adequate if it advises person that she may testify before the grand jury if she provides written request to district attorney and includes address where district attorney may send notice of date, time, and place of grand jury proceeding). We directed the State to answer the petition.

Subsequently, the State sought an extension of time to file the answer, representing that a new notice was served on petitioner, the grand jury had met, and petitioner did not testify. The State also explained that petitioner would soon be arraigned on the superseding indictment in district court, thus rendering the original writ petition moot. On December 30, 2011, the State filed a motion to deny the petition as moot, reaffirming its previous representations and explaining that petitioner was scheduled to be arraigned on January 3, 2012. Petitioner has not opposed the motion. Appearing to have merit, we grant the motion and deny the petition as moot.


It is so ORDERED.

 _____, J.

Cherry

 _____, J.

Gibbons

 _____, J.

Pickering

cc: Hon. Douglas W. Herndon, District Judge
Joseph B. Iarussi
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk