

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 59451

**FILED**

JAN 12 2012

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK

ORDER DENYING PETITION

In this original petition for a writ of mandamus or prohibition, petitioner Michael Mills challenges an order of the district court denying a pretrial petition for a writ of habeas corpus seeking to dismiss the indictment against him. Mills confessed to murdering the 62-year-old victim and disposing of his body in the trash, but contends that the State failed to meet its pretrial burden to produce evidence of the corpus delicti.

To establish the corpus delicti of the crime, the State must show that a crime has been committed. See Sheriff v. Middleton, 112 Nev. 956, 961, 921 P.2d 282, 285 (1996). The corpus delicti of a crime must be established by independent evidence before a defendant's extrajudicial admissions can be considered. See West v. State, 119 Nev. 410, 417, 75 P.3d 808, 813 (2003); Middleton, 112 Nev. at 962, 921 P.2d at 286. This independent evidence may be "slight" or "marginal" and "[t]he state is required only to show a hypothesis that death occurred by criminal

agency; it is not required to show a hypothesis of a specific cause of death.” Middleton, 112 Nev. at 962, 921 P.2d at 286.

In his confession, Mills stated that he allowed the victim to stay the night in his apartment. At some point during the night, Mills admitted to beating the victim about the head until he died, wrapping the body in two beach towels and disposing of it in a dumpster, and attempting to remove the blood stains with sponges and liquid Comet. A subsequent search of Mills’ apartment yielded evidence that appears to verify much of Mills’ account. Detectives found two large stains—one on the carpet, the other on the couch—that tested positive for human blood.<sup>1</sup> The stains looked like someone had tried to clean them. Liquid Comet and two sponges were found under his kitchen sink. Mills also stated in his confession that he may have then taken the victim’s vehicle to a remote location. Detectives found the victim’s car in exactly that location. Finally, the victim—a creature of habit who never missed a day of work and visited with his friends on a precise, weekly schedule—was never seen again. See State v. Edwards, 767 N.W.2d 784, 796 (Neb. 2009) (“Proof of such personal connections, and the unlikelihood of such a voluntary, sudden disappearance, is often held to be persuasive circumstantial evidence of death resulting from foul play.”); State v. Weston, 625 S.E.2d 641, 649 (S.C. 2006) (similar).

We conclude that sufficient corroborating evidence exists of the corpus delicti and that our intervention by way of extraordinary writ is

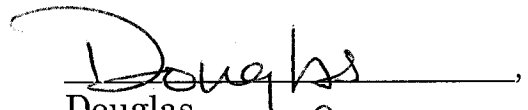
---


<sup>1</sup>Results of DNA tests conducted on samples taken from the stains are pending.

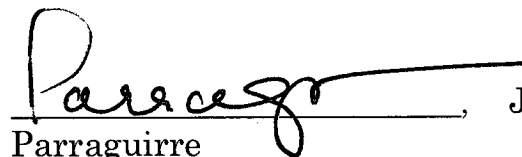
therefore unwarranted.<sup>2</sup> See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

Accordingly, we

ORDER the petition DENIED.

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

  
\_\_\_\_\_, J.  
Gibbons

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

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

---

<sup>2</sup>Mills also contends that his confession was involuntarily taken. Mills has an adequate remedy by way of direct appeal should he be convicted and thus we decline to address this claim. See NRS 34.330.