

IN THE SUPREME COURT OF THE STATE OF NEVADA

VERA LOPEZ,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
LINDA MARIE BELL, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 59890

FILED

JAN 12 2012

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

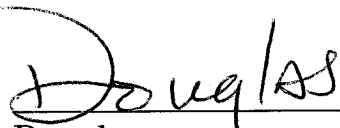
ORDER DENYING PETITION


This original petition for a writ of mandamus or prohibition challenges the district court's denial of petitioner's motion to dismiss a superseding indictment on the ground that it was improperly obtained while a stay was in effect in the district court. Having considered the petition, we are not satisfied that this court's intervention by way of extraordinary writ is warranted.

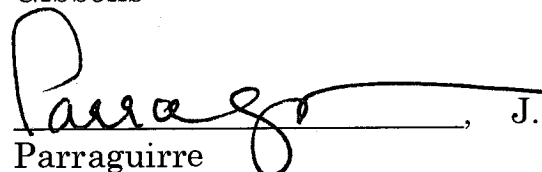
Petitioner was charged with a variety of offenses related to her alleged theft of toys and gift cards from a charitable organization, which were intended for distribution to needy children. In due course, she filed a pretrial petition for a writ of habeas corpus, arguing that the State failed to provide reasonable notice of its intent to seek an indictment and to present exculpatory evidence to the grand jury. The district court granted partial relief, and petitioner subsequently unsuccessfully sought a stay to file a petition for a writ of mandamus in this court. While that petition

was pending, on April 13, 2011, the district court granted petitioner's second motion for a stay of the proceedings pending this court's resolution of the petition. On May 2, 2011, the State secured a superseding indictment. Thereafter, on June 8, 2011, this court denied petitioner's original petition for a writ of mandamus. On July 19, 2011, petitioner filed a second petition for a writ of habeas corpus in the district court, arguing that the State improperly obtained a superseding indictment while a stay was in effect. The district court determined that the State violated the stay but concluded that petitioner was not prejudiced and declined to dismiss the superseding indictment. Petitioner argues because a stay was in effect, the State was precluded from securing the superseding indictment and therefore the district court erred by refusing to dismiss it. Any consequences resulting from a violation of its order staying the proceedings fall within the purview of the district court, and we are not inclined to intervene where there is no indication that the district court exceeded its jurisdiction, see NRS 34.320, or manifestly abused its discretion in ruling as it did, see NRS 34.160. Accordingly, we deny the petition. See NRAP 21(b).

It is so ORDERED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Linda Marie Bell, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk