

IN THE SUPREME COURT OF THE STATE OF NEVADA

JON GILBAUGH,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK;  
AND THE HONORABLE KATHLEEN E.  
DELANEY, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 68568

**FILED**

**FEB 10 2016**

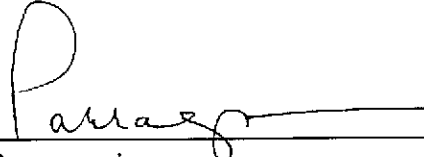
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

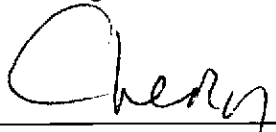
*ORDER DENYING PETITION*


This original petition for a writ of mandamus challenges an order of the district court denying a motion to dismiss an indictment. Petitioner Jon Gilbaugh contends that the district court erred in concluding that the State could seek an indictment after voluntarily dismissing charges pursuant to NRS 174.085(5). We conclude that petitioner has not demonstrated that the district court manifestly abused its discretion in concluding that the State could seek an indictment after dismissing a complaint. See NRS 174.085(5) (permitting State to dismiss and refile a complaint prior to the preliminary hearing); *Sheriff, Washoe Cty. v. Dhadda*, 115 Nev. 175, 183, 980 P.2d 1062, 1067 (1999) (“[T]here is no jurisdictional defect in dual proceedings against an accused consisting

of a grand jury indictment for the same offense which has been previously charged in a pending complaint or information.” (citing *Turpin v. Sheriff*, 87 Nev. 236, 238, 484 P.2d 1083, 1084-85 (1971)). Accordingly, we

ORDER the petition DENIED.

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

  
\_\_\_\_\_, J.  
Cherry

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

cc: Hon. Kathleen E. Delaney, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk