

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMALSIKOU LOWE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE MICHELLE
LEAVITT, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 71354

FILED

DEC 15 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

This petition for a writ of certiorari, mandamus, or prohibition asks this court to dismiss the charges against petitioner because the State allegedly failed to preserve and/or produce exculpatory and material evidence. We conclude that petitioner fails to demonstrate that this court's pretrial intervention is warranted. *See Pan v. Eighth Judicial District Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating the extraordinary relief is warranted."); *Salaiscooper v. Eighth Judicial Dist. Court*, 117 Nev. 892, 902, 34 P.3d 509, 516 (2001) ("[G]enerally, and except in extraordinary circumstances warranting interlocutory intervention, we will not consider the legal issues presented in a criminal case prior to entry of the judgment of conviction."); *Daniels v. State*, 114 Nev. 261, 267, 956 P.2d 111, 115 (1998) ("The State's failure to preserve potentially exculpatory evidence may result in dismissal of the charges if the defendant can show bad faith or connivance on the part of the government or that he was prejudiced by

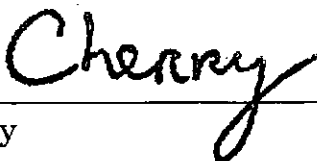
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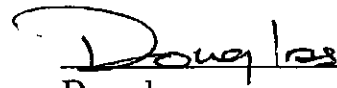
the loss of the evidence.” (emphasis added) (internal quotation marks omitted)).

Alternatively, petitioner asks that the Clark County District Attorney’s office be disqualified. We conclude that petitioner fails to demonstrate that disqualification of the entire office is warranted. See *State v. Eighth Judicial Dist. Court (Zogheib)*, 130 Nev., Adv. Op. 18, 321 P.3d 882, 886 (2014).

Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Douglas


_____, J.
Gibbons

cc: Hon. Michelle Leavitt, District Judge
Gary A. Modafferi
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk