


IN THE SUPREME COURT OF THE STATE OF NEVADA

LADONNA BOOKER,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 71461

FILED

DEC 16 2016

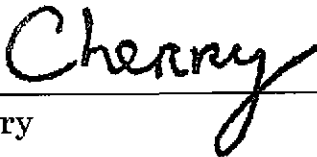
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER DENYING PETITION


Petitioner Ladonna Booker seeks a writ of mandamus directing the district court to grant her motion to dismiss an indictment. We are not convinced our intervention is warranted. NRS 34.160. The State may seek an indictment after a justice court dismisses a complaint. See NRS 178.562(2) ("The discharge of a person accused upon preliminary examination is a bar to another complaint against the person for the same offense, but does not bar the finding of an indictment or filing of an information."). While the State's conscious indifference to the petitioner's rights may bar a subsequent prosecution, *McNair v. Sheriff*, 89 Nev. 434, 438, 514 P.2d 1175, 1177 (1973), the district court concluded that the prosecutor's actions did not demonstrate a conscious indifference to the petitioner's rights. The petition and documents submitted herein do not indicate that the district court manifestly abused its discretion in reaching that conclusion. See *State v. Eighth Judicial Dist. Court (Armstrong)*, 127

Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (noting that a capricious exercise of discretion is one that is “contrary to the evidence” (quotation marks omitted)). Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Douglas


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Nguyen & Lay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk