

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DORIE HENLEY,
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. 74723

FILED

DEC 28 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY / DEPUTY CLERK

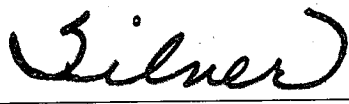
*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

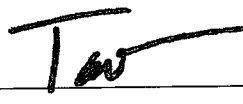
This original petition for a writ of mandamus or prohibition challenges a district court order denying petitioner's motion to dismiss a grand jury indictment based on the State's failure to provide petitioner adequate notice of its intent to seek the indictment and an opportunity to testify before the grand jury.


Having considered the petition, we conclude that our intervention by way of extraordinary writ relief is not warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (stating that petitioner bears the burden of demonstrating that extraordinary relief is warranted). Petitioner has not demonstrated that the district court, which remedied the violations by directing the State to provide petitioner an opportunity to testify before the grand jury, contravened a legal duty, exercised its discretion arbitrarily or capriciously, or exceeded its jurisdiction. *See* NRS 34.160; NRS 34.320; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558

(2008); *see also* NRS 172.241(5) (governing the remedy for inadequate notice of grand jury consideration). Accordingly, we decline to intervene in this matter, *see* NRAP 21(b)(1); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (stating that a petition for extraordinary writ relief is purely discretionary with this court), and we

ORDER the petition DENIED.¹


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Brown Law Office
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of this order, petitioner's emergency motion for stay is denied as moot.