

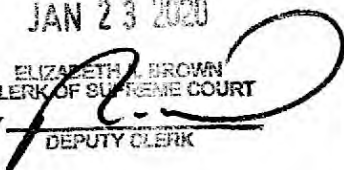
IN THE SUPREME COURT OF THE STATE OF NEVADA

RICKY ALLEN DAVIS,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
STEFANY MILEY, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 79843

**FILED**

JAN 23 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION*

This petition for a writ of mandamus, or alternatively, writ of habeas corpus seeks dismissal of an indictment because slight or marginal evidence was not presented to the grand jury, the State failed to present exculpatory evidence to the grand jury, and other alleged errors. We decline to exercise original jurisdiction in this matter because the arguments primarily challenge the probable cause determination, and petitioner did not demonstrate that the State violated lawful procedures or failed to present exculpatory evidence at the grand jury proceedings. NRS 34.160; NRAP 22; *see also State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931, 267 P.3d 777, 779-80 (2011) (“The decision to entertain an extraordinary writ petition lies within our discretion.”); *Kussman v. Eighth Judicial Dist. Court*, 96 Nev. 544, 545-46, 612 P.2d 679, 680 (1980) (disfavoring review of a pretrial probable cause determination through an original writ proceeding); *Robertson v. State*, 84 Nev. 559, 561-62, 445 P.2d 352, 353 (1968) (recognizing that an indictment will be sustained even if inadmissible evidence was presented to the grand jury so long as “there

[was] the slightest sufficient legal evidence" presented); NRS 172.145 (providing that the district attorney must provide the grand jury with evidence that will explain away the charges). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

Pickering, C.J.  
Pickering  
Gibbons, J.  
Gibbons  
Douglas, Sr, J.  
Douglas

cc: Hon. Stefany Miley, District Judge  
Robert L. Langford & Associates  
Attorney General/Carson City  
Eighth District Court Clerk

---

<sup>1</sup>The Honorable Michael Douglas, Senior Justice, participated in the decision of this matter under a general order of assignment.