

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROLAND PIERRESAINT,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK
AND THE HONORABLE CARLI LYNN
KIERNY, DISTRICT JUDGE,

Respondents,

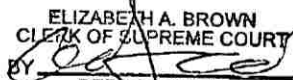
and

THE STATE OF NEVADA,
Real Party in Interest.

No. 92093

FILED

APR 17 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying petitioner Roland Pierresaint's pretrial motion to dismiss an indictment. Having reviewed the petition and supporting documents, we conclude that this court's intervention by way of extraordinary writ is not warranted.

The decision to entertain a petition for extraordinary writ relief lies within the discretion of this court. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). A writ of mandamus is available only to compel the performance of a legally required act or to cure an arbitrary or capricious exercise of discretion. NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Writ relief may be appropriate to remedy error in a grand jury proceeding where a later conviction would render the error harmless,


especially “where the circumstances establish urgency or strong necessity, or an important issue of law requires clarification.” *Clay v. Eighth Jud. Dist. Ct.*, 129 Nev. 445, 450, 305 P.3d 898, 901-02 (2013) (citation modified); *Chasing Horse v. Eighth Jud. Dist. Ct.*, 140 Nev., Adv. Op. 63, 555 P.3d 1205, 1211 (2024) (granting writ relief when the State failed to present exculpatory evidence to the grand jury); *see also* NRS 34.170 (providing that writs only issue in “cases where there is not a plain, speedy and adequate remedy in the ordinary course of law”).

Pierresaint contends the State failed to present exculpatory evidence to the grand jury, specifically medical records from the child’s earlier hospitalization, evidence that the injuries to the child could have been caused by CPR, and a statement from a family friend that she did not witness any abuse. But that evidence did not tend to explain away the charges of murder and child abuse and neglect, particularly given the coroner’s testimony as to the timing of the injuries. NRS 172.145(2) (“If the district attorney is aware of any evidence which will explain away the charge, the district attorney shall submit it to the grand jury.”); *State v. Babayan*, 106 Nev. 155, 170, 787 P.2d 805, 817 (1990) (holding that evidence, when viewed in totality, has exculpatory value when it “would suggest that any [criminal conduct] that might have occurred did not happen as recounted”); *Chasing Horse*, 140 Nev., Adv. Op. 63, 555 P.3d at 1213 (“The determination of whether particular evidence is exculpatory is generally left to the discretion of the district court.” (citation omitted)).


Pierresaint also argues that inadmissible and improper evidence was presented to the grand jury. Because sufficient legal evidence was presented to the grand jury to support a probable cause determination, he fails to demonstrate that writ relief is warranted. NRS 172.135(2)

("[T]he grand jury can receive none but legal evidence."); *Dettloff v. State*, 120 Nev. 588, 595, 97 P.3d 586, 590 (2004) ("A grand jury indictment will be sustained where the State submits sufficient legal evidence to establish probable cause, even though inadmissible evidence may have been offered."). Accordingly, we

ORDER the petition DENIED.


_____, J.
Bell


_____, J.
Stiglich


_____, J.
Cadish

cc: Hon. Carli Lynn Kierny, District Judge
Law Offices of Gary A. Modafferi, LLC
Law Office of Rachael E. Stewart
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk