

IN THE SUPREME COURT OF THE STATE OF NEVADA

SERGIO JUAREZ-CORTEZ,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
JOSEPH T. BONAVENTURE,  
DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 41281

FILED

JUN 03 2003

JANETTE M BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

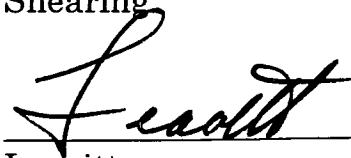
This original petition for a writ of mandamus challenges an order of the district court denying a motion to dismiss a grand jury indictment charging petitioner with one count of murder with use of a deadly weapon and two counts of being an accessory to murder. Petitioner contends that the State violated NRS 172.241(2)(a) by failing to provide him with five full judicial days within which to submit a request to appear before the grand jury.

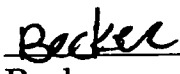
We have reviewed the petition and the documentation appended thereto, and we have concluded that this court's intervention by extraordinary writ is not warranted. Specifically, we note that, even though the State presented the matter to the grand jury prior to the expiration of the fifth judicial day after notice was provided to petitioner's counsel, petitioner did not submit a request to appear at any time during that five-day period. Additionally, petitioner does not contend that he ever intended to exercise his right to appear before the grand jury. Under

these circumstances, we conclude that extraordinary relief is not warranted, and we hereby

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Becker

cc: Hon. Joseph T. Bonaventure, District Judge  
Joseph A. Scalia II  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk