



## Office of the Governor

June 4, 2007

The Honorable Barbara Buckley  
Speaker of the Assembly  
Legislative Building  
401 South Carson Street  
Carson City, NV 89701

**RE: Assembly Bill 364 of the 74<sup>th</sup> Legislative Session**

Dear Speaker Buckley,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 364, which is entitled:

AN ACT relating to criminal procedure; authorizing a defendant to submit a statement concerning the results of a preliminary hearing to a grand jury; and providing other matters properly relating thereto.

This bill would allow a defendant in a criminal proceeding to make a statement to a grand jury regarding certain findings from a preliminary hearing. This would result in a dramatic and unwarranted departure from existing criminal justice procedure in Nevada. The purpose of the grand jury is not to try a case, but to establish whether cause exists to issue an indictment. This bill would open the door to future changes to the fundamental nature of grand jury proceedings. The rights of defendants are already adequately protected during the grand jury phase, from the right of the grand jury to call witnesses to the obligation of a prosecuting attorney to submit exculpatory evidence to the grand jury. The grand jury system is a fair and workable system that protects the rights of defendants and there is no compelling need to change it.

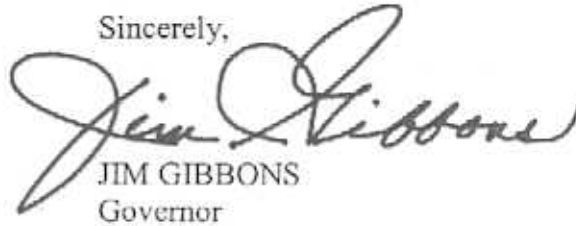
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For all of these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 364.

Sincerely,



JIM GIBBONS  
Governor

JG/kjc

Enclosure

Cc: The Honorable William Raggio, Senate Majority Leader (without enclosure)  
The Honorable Ross Miller, Secretary of State (without enclosure)  
Susan Furlong Reil, Chief Clerk of the Assembly (without enclosure)  
Claire J. Clift, Secretary of the Senate (without enclosure)  
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)