

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ANTHONY NICASTRO,
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. 43955

FILED

NOV 23 2004

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

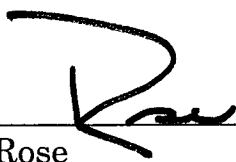
ORDER DENYING PETITION AS MOOT

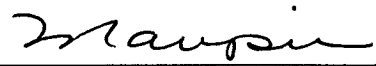
This original petition for a writ of mandamus or prohibition challenges an order of the district court denying petitioner's motion to compel an independent psychiatric examination of the alleged victim in criminal proceedings pending below against petitioner. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

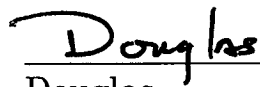
On September 23, 2004, this court entered an order directing the State to file an answer to the petition. This court also granted petitioner's request for a stay of the proceedings below. In response to this court's order, the State represents that it has "reevaluated its position with respect to [petitioner's] motion for a psychiatric examination of the victim in this case and [has] elected not to oppose the motion before the district court." In addition, the State has attached to its response a copy of a document filed in the district court on October 11, 2004, stating that it is "withdrawing its Opposition to Defendant's Motion to Compel Psychiatric

Examination of [the victim] and will not object to the Court ordering the psychiatric examination requested by the Defendant."

Under these circumstances, we conclude that the issues presented in this petition have been rendered moot and this court's intervention by way of extraordinary writ is no longer warranted. Accordingly, we deny this petition as moot, and we vacate our prior order staying the proceedings below.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Joseph T. Bonaventure, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk