

IN THE SUPREME COURT OF THE STATE OF NEVADA

KASARD OMAR BROWN,
Petitioner,
vs.
SUPREME COURT OF THE STATE OF
NEVADA,
Respondent.

No. 46473

FILED

FEB 02 2006

ORDER DENYING PETITION

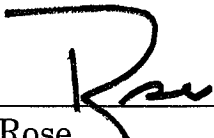
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK


This original petition for a writ of prohibition or mandamus challenges an order of this court denying a petition for en banc reconsideration. In the order denying en banc reconsideration, three justices of this court elected to dissent to the order, rather than compelling en banc reconsideration pursuant to NRAP 40A(f), because their "votes would not change the ultimate outcome of this appeal."

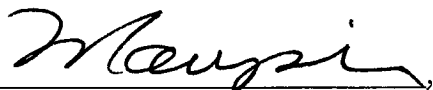
In the instant petition, petitioner argues that the three justices abused their discretion in failing to compel en banc reconsideration pursuant to NRAP 40A(f) "because of their belief that it would not change the ultimate outcome of the appeal." Petitioner's argument is without merit. The full en banc court considered the petition

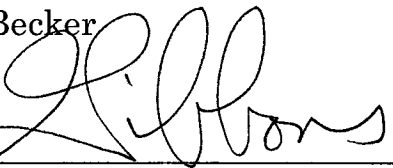
for en banc reconsideration and concluded that reconsideration was not warranted. The appeal has been finally resolved. Accordingly, we

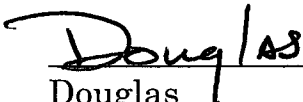
ORDER this petition DENIED.

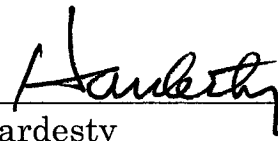

_____, C.J.
Rose

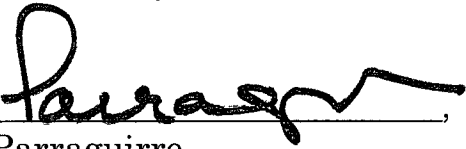

_____, J.
Becker


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Michael A. Cherry, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk