

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSICA BARRAZA,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE JACKIE
GLASS, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 47107

FILED

MAR 01 2007

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

ORDER GRANTING PETITION

This is an original petition for a writ of mandamus or prohibition in a criminal action challenging a pretrial order of the district court. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

The parties are familiar with the facts, and we do not recount them except as pertinent to our disposition.

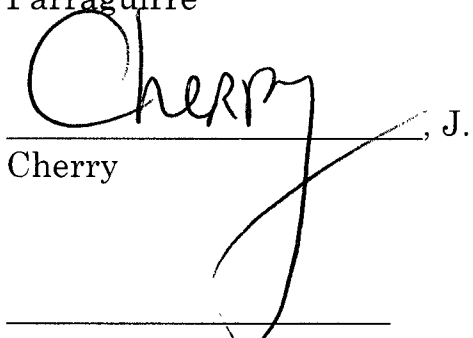
Due to representations made by counsel during oral argument on appeal, we conclude that petitioner Jessica Barraza has conceded that she has a duty to disclose the data underlying her expert reports to the extent that she intends to introduce such data into evidence at trial.¹ Further, Barraza has stipulated that she does not intend to present expert testimony regarding her state of mind at trial. Because Barraza does not

¹See NRS 174.245(1)(b).

intend to place her state of mind at issue during trial, there is no need for an independent psychological examination.

Therefore, we grant Barraza's petition for a writ of mandamus insofar as the district court shall not require Barraza to submit to an independent psychiatric evaluation.² Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to VACATE its order granting the State's motion to compel to the extent that the order requires Barraza to submit to an independent psychiatric examination.

 _____, J. Gibbons	 _____, C.J. Maupin	 _____, J. Hardesty
 _____, J. Parraguirre	 _____, J. Douglas	 _____, J. Saitta
 _____, J. Cherry		

²We note that this order would not prevent the State from bringing another motion to compel an independent psychological evaluation should Barraza subsequently choose to place her state of mind at issue at trial.

cc: Hon. Jackie Glass, District Judge
Special Public Defender David M. Schieck
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk