

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,
vs.
THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE,
THE HONORABLE ROBERT W. LANE,
DISTRICT JUDGE,
Respondents,
and
DAVID LEE CLEVELAND,
Real Party in Interest.

No. 50321

FILED

OCT 18 2007

JAMETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Smith*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of certiorari challenges an order of the district court denying petitioner's motion to strike a plea of not guilty by reason of insanity. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge. Petitioner has also requested a stay of the trial below, which has apparently been scheduled to commence on October 23, 2007. Having reviewed the petition and the appended documentation, we have determined that petitioner has failed to demonstrate that this court's intervention by way of extraordinary writ is warranted at this time.

Accordingly, we deny the petition. Further, we deny the request for a stay.¹

It is so ORDERED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

cc: Hon. Robert W. Lane, District Judge
Attorney General Catherine Cortez Masto/Carson City
Nye County District Attorney/Pahrump
Osvaldo E. Fumo, Chtd.
Nye County Clerk

¹David Lee Cleveland, the real party in interest in this matter filed a document in this court on October 12, 2007, entitled "Motion to Quash Or In The Alternative Dismiss writ of certiorari." The document is essentially an answer in opposition to the petition. We note for the benefit of Cleveland's counsel that NRAP 21 does not permit the filing of an answer to a petition for an extraordinary writ except upon the express direction of this court. Nonetheless, because the document filed by Cleveland's counsel also contains argument in opposition to petitioner's request for a stay, we decline to strike the motion filed by Cleveland's counsel on October 12, 2007, as a fugitive document.