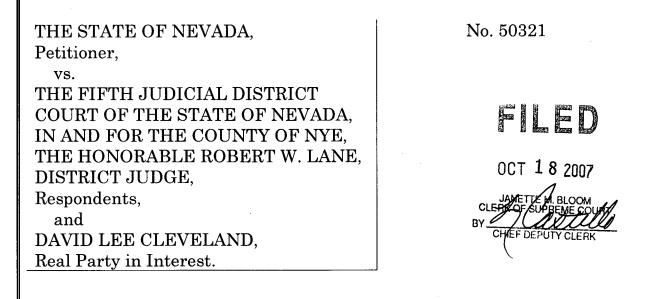
IN THE SUPREME COURT OF THE STATE OF NEVADA



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.

SUPREME COURT OF NEVADA

(O) 1947A

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

It is so ORDERED.

J. Hardesty

J. Parraguirre

J.

 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.

SUPREME COURT OF NEVADA