

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN RABER,
Petitioner,

vs.

THE THIRD JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF LYON,
AND, THE HONORABLE ROBERT E.
ESTES, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 50449

FILED

NOV 13 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION


This original petition for a writ of mandamus seeks an order directing the district court to consider petitioner's request for election of treatment pursuant to the newly-enacted provisions of NRS 484.3792. Third Judicial District Court, Lyon County; Robert E. Estes, Judge.

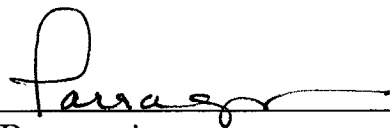
We have considered the petition on file herein, and we are not persuaded that this court's intervention by way of extraordinary relief is warranted at this time.¹ In particular, we note that petitioner has a plain, speedy and adequate remedy in the ordinary course of law by way of a timely direct appeal challenging the judgment of conviction and the

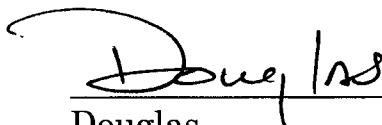
¹See NRS 34.160.

district court's alleged refusal to consider the newly-enacted provisions of NRS 484.3792 at sentencing. Accordingly, we

ORDER the petition DENIED.²


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Robert E. Estes, District Judge
Marc P. Picker
Attorney General Catherine Cortez Masto/Carson City
Lyon County District Attorney
Lyon County Clerk

²We also deny petitioner's request for a stay of the proceedings below. In the event that petitioner files a timely direct appeal, see NRAP 4(b), petitioner may then move this court to stay the judgment below and to expedite the appeal.