

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL BEMENDERFER,  
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. 51384

**FILED**

**JUN 03 2009**

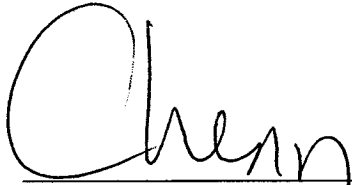
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *S. Young*  
DEPUTY CLERK

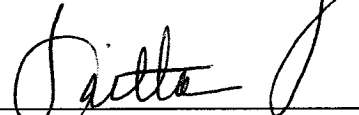
ORDER GRANTING PETITION


This original petition for a writ of mandamus challenges a district court decision denying petitioner's request for competency reports. The issues raised in this original proceeding are the same as those recently resolved by this court in Scarbo v. District Court, 125 Nev. \_\_\_, \_\_\_ P.3d \_\_\_ (Adv. Op. No. 12, April 30, 2009), wherein this court held that "prior to a competency hearing held pursuant to NRS 178.415, the court that ordered the examination shall cause full and complete copies of the competency examination reports to be delivered forthwith to the office of the district attorney and to defense counsel, or the defendant personally if not represented by counsel." Consistent with our decision in Scarbo, the petition is granted. The clerk of this court shall issue a writ of mandamus directing the district court to vacate its prior competency findings and conduct a new competency hearing pursuant to NRS 178.415. The writ shall further direct the district court to provide the district attorney and the defense counsel with full and complete copies of the competency

examination reports in a manner that is consistent with this court's decision in Scarbo.

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Jackie Glass, District Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General Catherine Cortez Masto/Las Vegas  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>1</sup>Given our resolution of the petition, the stay of the district court proceedings previously entered by this court is lifted.