

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESTYNI PENNINGTON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE LEE
A. GATES, DISTRICT JUDGE,
Respondents,
THE STATE OF NEVADA,
Real Party in Interest.

No. 41527

FILED

JUL 16 2003

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

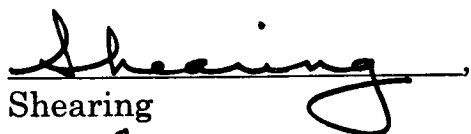
ORDER GRANTING PETITION FOR WRIT OF MANDAMUS

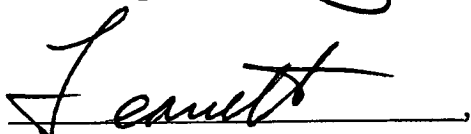
This original petition for a writ of prohibition or mandamus challenges an order of the district court directing the forced administration of antipsychotic drugs to petitioner, Destyni Pennington. Pursuant to this court's order, the State has now filed an answer to the petition. In its answer, the State agrees that this "matter should be returned to the District Court for resolution in harmony with the recently decided United States Supreme Court case of Sell v. United States, 539 U.S. ___ (2003) (decided June 16, 2003) and the insight Sell provides as to substantive and procedural due process in the involuntary medication of pre-trial detainees."

In light of the State's response, we grant this petition in part. The clerk of this court shall issue a writ instructing the district court to reconsider its orders directing the forced medication of petitioner and reevaluate the request to forcibly medicate petitioner in light of the Supreme Court's recent decision in Sell, as well as its related decisions in

Riggins v. Nevada, 504 U.S. 127 (1992) and Washington v. Harper, 494 U.S. 210 (1990). We vacate our prior stay of the district court's order.

It is so ORDERED.

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. Lee A. Gates, District Judge
Clark County Public Defender
Attorney General Brian Sandoval/Las Vegas
Clark County District Attorney David J. Roger
Clark County Clerk