

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAWN RUSSELL HARTE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43877

**FILED**

SEP 08 2005

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

ORDER DENYING EN BANC RECONSIDERATION

Having considered the petition and the answer to petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we

ORDER the petition DENIED.

*Becker* \_\_\_\_\_, C.J.  
Becker

*Rose* \_\_\_\_\_, J.  
Rose

*Maupin* \_\_\_\_\_, J.  
Maupin

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

*Douglas* \_\_\_\_\_, J.  
Douglas

*Hardesty* \_\_\_\_\_, J.  
Hardesty

*Parraguirre* \_\_\_\_\_, J.  
Parraguirre

cc: Hon. Connie J. Steinheimer, District Judge  
Donald York Evans  
Thomas L. Qualls  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk