

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS HIDALGO, III AND ANABEL
ESPINDOLA,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE DONALD
M. MOSLEY, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 48233

FILED

APR 09 2008

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

ORDER DISMISSING PETITION


On October 16, 2006, petitioners filed an original petition for a writ of mandamus or prohibition, challenging the State's notice of intent to seek the death penalty. This court granted petitioners' writ petition and ordered the notice of intent to seek the death penalty be stricken.¹ Subsequently, the State petitioned for rehearing. On February 21, 2008, this court entered an order recalling the writ pending our resolution of the State's petition for rehearing.² On February 27, 2008, petitioner Anabel Espindola filed a motion to dismiss the petition for a writ of mandamus or

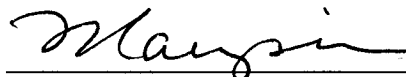
¹Hidalgo v. Dist. Ct., 123 Nev. ___, ___ P.3d ___ (2007).

²Hidalgo v. Dist. Ct., Docket No. 48233 (Order Withdrawing Opinion, Recalling Writ, and Directing Answer to Petition for Rehearing, February 21, 2008).

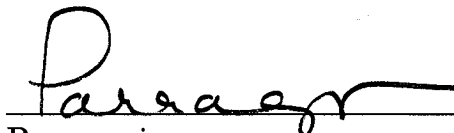
prohibition as to her because she has entered a guilty plea to voluntary manslaughter with the use of a deadly weapon and no longer faces a possible death sentence, thereby rendering the issues raised in the writ petition moot. Cause appearing, we grant Espindola's motion, and we dismiss the writ petition as to her as moot.³

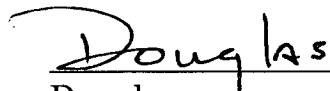
It is so ORDERED.

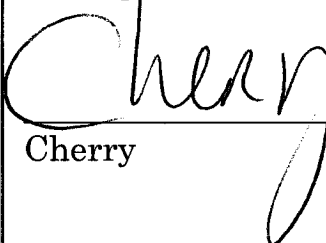

Gibbons, C.J.



Maupin, J.


Hardesty, J.


Parraguirre, J.


Douglas, J.


Cherry, J.


Saitta, J.

cc: Hon. Donald M. Mosley, District Judge
Gordon & Silver, Ltd.
JoNell Thomas
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Federal Public Defender/Las Vegas
Eighth District Court Clerk

³On March 11, 2008, Espindola filed a motion for extension of time for filing an answer to the State's petition for rehearing. In light of our order, we deny as moot Espindola's motion for extension of time.