

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS HIDALGO, JR. A/K/A LUIS A.  
HIDALGO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54209

**FILED**

**SEP 19 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

ORDER DIRECTING ANSWER TO  
PETITION FOR EN BANC RECONSIDERATION

Appellant has petitioned this court for en banc reconsideration of the order of affirmance entered by a panel of this court on June 21, 2012. Having reviewed the petition, it appears that an answer will assist the court in resolving the issues presented. Accordingly, respondent shall have 15 days from the date of this order within which to file and serve an answer to the petition. See NRAP 40A. The answer shall be limited to the issue of whether the giving of Jury Instruction 40 was per se reversible error.

It is so ORDERED.

*Cherry*, C.J.

cc: Gordon & Silver, Ltd.  
Attorney General/Carson City  
Clark County District Attorney