

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

NOV 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Hidalgo
DEPUTY CLERK

ORDER DENYING EN BANC RECONSIDERATION

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

ORDER the petition DENIED.

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

CHERRY, C.J., with whom, SAITTA, J., agrees, dissenting:

We would grant en banc reconsideration of this matter. Although we can compel en banc reconsideration pursuant to NRAP 40A(f), we elect to dissent to this order because our votes would not change the ultimate outcome of this appeal.

Cherry, C.J.
Cherry

Saitta, J.
Saitta

cc: Hon. Valerie Adair, District Judge
Gordon & Silver, Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk