

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS A. HIDALGO, III,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54272

FILED

SEP 19 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malm
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: Christopher W. Adams
Arrascada & Arrascada, Ltd.
Attorney General/Carson City
Clark County District Attorney