

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MARK W. GIBBONS, DISTRICT
JUDGE,

Respondents,

and

ALFRED P. CENTOFANTI, III,

Real Party in
Interest.

No. 38987

FILED

DEC 28 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK


ORDER DIRECTING ANSWER
AND GRANTING STAY

This petition for a writ of mandamus challenges the district court's denial of (1) petitioner's motion for discovery of notes, report and tests conducted by the real party in interest's psychiatric experts, and (2) petitioner's motion for an independent psychiatric evaluation of the real party in interest. Petitioner has also filed an emergency motion for a stay of the proceedings below. The real party in interest has filed an opposition to petitioner's emergency motion for a stay.

Having reviewed the petition, it appears that petitioner has set forth issues of arguable merit and that petitioner has no plain, speedy and adequate remedy in the ordinary course of law. Accordingly, petitioner shall have 10 days from the date of this order within which to file with the clerk of this court a transcript of the proceedings held below on December 27, 2001. The real party in interest, on behalf of respondent district judge, shall have 20 days from the date of this order to file an answer, including authorities, against issuance of the requested writ.

Further, cause appearing, we grant petitioner's motion for an emergency stay, and we stay all proceedings in the matter below pending further order of this court.

It is so ORDERED.


_____, A.C.J.
Rose

cc: Hon. Mark W. Gibbons, District Judge
Attorney General/Carson City
Clark County District Attorney
Allen Bloom
Special Public Defender
Clark County Clerk