

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
MARTY EDWARD CASTANEDA,
Respondent.

No. 52911

FILED

DEC 22 2010

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

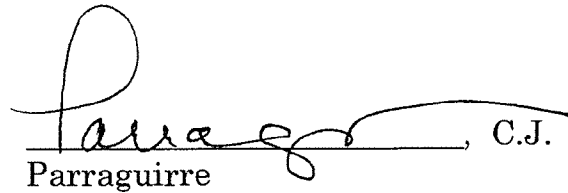
ORDER DENYING REHEARING AND MODIFYING OPINION

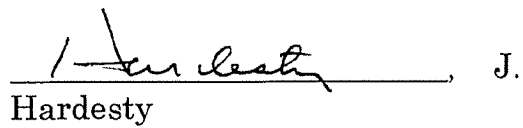
Respondent has filed a petition for rehearing. Having considered the petition, we conclude that rehearing is not warranted. NRAP 40(c).

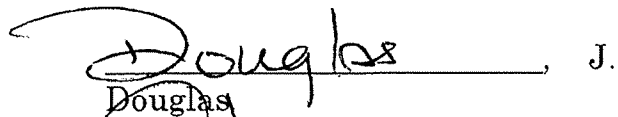
However, based on the petition for rehearing, we have determined that a sentence in the opinion requires modification. We direct the clerk of this court to modify the opinion filed on November 24, 2010, by replacing the fourth sentence of the opinion with the following: "He entered a plea of not guilty and also asserted a constitutional challenge to the statute, arguing that it is facially vague and overbroad

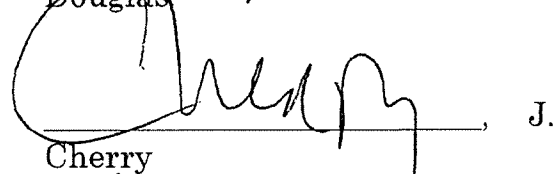
and cannot be enforced, even if the State were to prove the conduct charged at trial.”

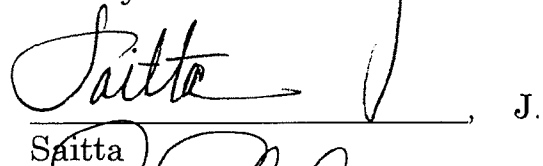
It is so ORDERED.

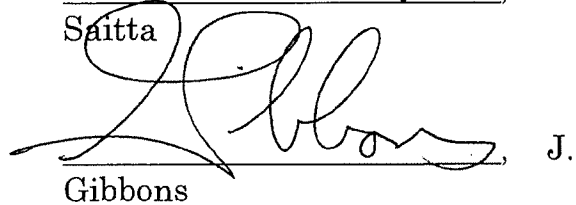
 C.J.
Parraguirre

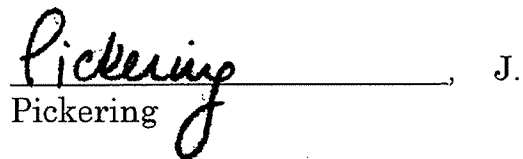
 J.
Hardesty

 J.
Douglas

 J.
Cherry

 J.
Saitta

 J.
Gibbons

 J.
Pickering

cc: Hon. James M. Bixler, District Judge
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender
Eighth District Court Clerk