

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL RIPPO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44094

FILED

SEP 11 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

This motion seeks to recall the remittitur in an appeal from a district court order denying appellant Michael Rippo's post-conviction petition for a writ of habeas corpus in a capital case. The State opposes the motion.¹ For the reasons stated below, we deny Rippo's motion.

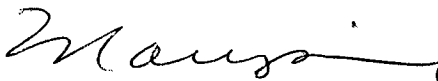
Rippo alleges that former Justice Nancy Becker was negotiating for employment with the Clark County District Attorney's Office while his appeal was pending before this court. He argues that former Justice Becker should therefore have been disqualified from participating in this appeal.

As an initial matter, we conclude that the motion is untimely. Although Rippo asserts that he was unaware of the conflict until after the time for rehearing had passed, former Justice Becker's employment with the Clark County District Attorney was public knowledge as of January 16, 2007. Rippo provides no compelling reason why he waited nearly seven months after that to file the instant motion.

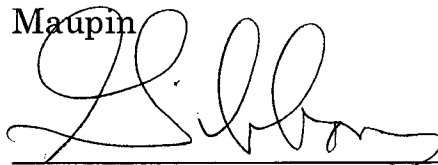
¹On August 17, 2007, Rippo filed a motion for leave to file a reply to the State's opposition. Cause appearing, the motion is granted.

Further, even if this court were to recall the remittitur, Rippo has not demonstrated that he is entitled to any further relief. This court has already denied rehearing in this appeal, and Rippo has not alleged any misapprehension of fact or law that would warrant rehearing at this juncture. See NRAP 40(c). Accordingly, the motion is denied.

It is so ORDERED.²


_____, C.J.

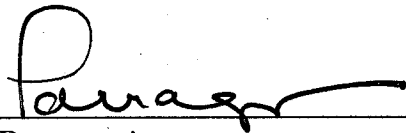
Maupin


_____, J.

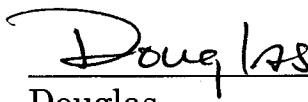
Gibbons


_____, J.

Hardesty


_____, J.

Parraguirre


_____, J.

Douglas

cc: Hon. Donald M. Mosley, District Judge
Federal Public Defender/Las Vegas
Christopher R. Oram
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²The Honorable Michael Cherry, Justice, and the Honorable Nancy M. Saitta, Justice, did not participate in the decision of this matter.