

IN THE SUPREME COURT OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51622

FILED

JAN 22 2010

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

ORDER DENYING MOTION TO RECALL REMITTITUR AND
DENYING PERMISSION FOR A LATE PETITION FOR REHEARING

On December 3, 2009, this court affirmed the order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. On December 29, 2009, the remittitur was issued in this case. On January 6, 2010, this court received a motion to recall the remittitur and a petition for rehearing. Appellant failed to demonstrate that that the remittitur should be recalled. See Wood v. State, 60 Nev. 139, 104 P.2d 187 (1940). Further, the petition for rehearing is untimely. NRAP 40(a)(1). No good cause appearing, this court denies the motion to recall remittitur and denies permission to submit a late petition for rehearing.

It is so ORDERED.

Parrazo, C.J.

cc: Hon. Steven P. Elliott, District Judge
Kay Ellen Armstrong
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk