

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZANE MICHAEL FLOYD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 36752

FILED

DEC 20 2002

ORDER RECALLING REMITTITUR


JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

On May 7, 2002, this court entered an order denying rehearing in this appeal. On May 20, 2002, appellant filed a motion to stay issuance of the remittitur pending application to the United States Supreme Court for a writ of certiorari. This court entered an order on May 29, 2002, that stayed issuance of the remittitur until August 14, 2002. The order directed that if written notice was received from the United States Supreme Court by August 14, 2002, that appellant had filed a petition for writ of certiorari, the stay would continue in effect until final disposition of the certiorari proceedings. However, if no such notice was received, the remittitur would issue on August 15, 2002.

No notice having been received from the United States Supreme Court, the remittitur issued on August 15, 2002. On December 9, 2002, however, this court received a notice from the clerk of the United States Supreme Court that a petition for writ of certiorari was filed on August 2, 2002, and placed on that court's docket on November 27, 2002. Appellant filed a motion on December 12, 2002, seeking to recall the remittitur.

Cause appearing, we grant the motion. We recall the remittitur and stay its issuance until final disposition of the certiorari proceedings. See NRAP 41 (b).

It is so ORDERED.

, v.c.j.

cc: Honorable Jeffrey D. Sobel, District Court Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Clark County Clerk