

1	IN THE SUPREME COURT OF THE STATE OF NEVADA					
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3	ZANE MICHAEL FLOYD,) No. 36752					
4	Appellant, FILED					
5	vs.					
6	THE STATE OF NEVADA, DEC 12 2002					
7	Respondent.					
8	DEPUTY CLERY					
9	MOTION TO RECALL REMITTITUR PENDING APPLICATION FOR CERTIORARI					
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11	COMES NOW, the Appellant, ZANE MICHAEL FLOYD, by and					
	through his counsel, Clark County Deputy Public Defender, ROBERT L.					
	MILLER, and pursuant to Nevada Supreme Court Rule 41, respectfully					
	requests this Court to recall the remittitur in this action.					
15	This motion is based upon the attached Affidavit of					
16						
17	DATED this 10th day of December, 2002.					
18	MARCUS D. COOPER CLARK COUNTY PUBLIC DEFENDER					
19						
2021	Ву					
22	NEVADA BAR #1060 DEPUTY PUBLIC DEFENDER					
23	309 SOUTH THIRD STREET, SUITE #226 LAS VEGAS, NEVADA 89155-2610					
24	(702) 455-4685					
25						
26	RECEIVE					
21	<i>"</i>					
28	DEC 1 2 2002					
	CLERK OF SUPREME COURT DEPUTY CLERK					

1 2 STATE OF NEVADA)ss: COUNTY OF CLARK 5 ROBERT L. MILLER, being first duly sworn, deposes and 6 states as follows: 7 That he is an attorney duly licensed to practice law 8 in the State of Nevada and the Deputy Public Defender assigned to 9 represent Zane Michael Floyd, Nevada Supreme Court Case No. 36752. 10 That the Appellant in this case, Zane Michael Floyd, 11 appealed to the United States Supreme Court for relief from adverse 12 rulings made by the courts. 13 That the Appellant, pursuant to United States Supreme 14 Court Rule 13.1, filed a timely Petition with the United States 15 Supreme Court. 16 That this Petition was accepted as timely filed, but 17 pursuant to this Petition, Appellant was sent a Notice by the 18 Supreme Court to change the style of the affidavit or declaration of 19 indigency format of his brief to conform with Supreme Court rules. 20 (See Exhibit A). 21 That Appellant has made these format changes and said 22 | Petition was filed in the United States Supreme Court 23 November 27, 2002. (See Exhibit C) 24 25 26 27

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1	6. That pursuant to ${f N}$	ievada	Supreme	Court	Rule	41,
2	Appellant asks that since this Petit	tion w	as timely	filed,	that	the
3	Court recall the remittitur in this	actio	n pending	applic	ation	for
4	certiorari. (Exhibit B)					
5	5					
6	- U	Robert	L Milie	r	2	
7	7					
				DEENA G	. DANIEL	7
10	Doea Co Daniel			Notary Publ No. 98-2 Iy appt. exp	c - Nevada 3240-1	į i
	NOTARY PUBLIC in and for said County and State			The state of the s	Jan. 15, 20	3
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SUPREME COURT OF THE UNITED STATES OFFICE OF THE CLERK WASHINGTON, DC 20543-0001

August 15, 2002

WILLIAM K. SUTER
CLERK OF THE COURT

AREA CODE 202 479-3011

Robert L. Miller 309 South Third Street #226 Las Vegas, NV 89155

RE: Floyd v. Nevada (NVSC No. 36752)

Dear Mr. Miller:

The above-entitled petition for writ of certiorari was postmarked August 2, 2002 and received August 14, 2002. The papers are returned for the following reason(s):

The notarized affidavit or declaration of indigency does not comply with Rule 39 in that the affidavit must be signed by the petitioner.

t.:

Please correct and resubmit as soon as possible. Unless the petition is received by this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

Sincerely,

William K Suter, Clerk By: N N N

Clayton R. Higgins, Jr

(202) 479-3019

Enclosures

cc: Frankie Sue Del Papa

Exhibit_____





IN THE SUPREME COURT OF THE STATE OF NEVADA

ZANE MICHAEL FLOYD, Appellant, vs. THE STATE OF NEVADA, Respondent. Supreme Court No. 36752

District Court Case No. C159897

REMITTITUR

TO: Shirley Parraguirre, Clark County Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order. Receipt for Remittitur.

DATE: August 15, 2002

Janette M. Bloom, Clerk of Court

By: Richards
Chief Deputy Clerk

Chief Deputy Clerk

cc: Hon. Jeffrey D. Sobel, District Judge Attorney General/Carson City Clark County District Attorney

Clark County Public Defender

RECEIPT FOR REMITTITUR

Received of Janette M. Bloom, Clerk of the Supreme Co	ourt of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on	
Co	ounty Clerk

Exhibit 3

SUPREME COURT OF THE UNITED STATES OFFICE OF THE CLERK WASHINGTON, D. C. 20543

November 29, 2002

Mr. Robert L. Miller 309 South Third Street #226 Las Vegas, NV 89155

> Re: Zane Michael Floyd v. Nevada No. 02-7638

Dear Mr. Miller:

The petition for a writ of certiorari in the above entitled case was filed August 2, 2002 and placed on the docket November 27, 2002 as No. 02-7638.

A form is enclosed for notifying opposing counsel that the case was docketed.

Sincerely,

William K. Suter, Clerk

by

Clayton R. Higgins, Jr.

Assistant

Enclosures

Exhibit ____

DECLARATION OF MAILING

DEENA DANIEL, an employee with the Clark County Public 3 Defender's Office, hereby declares that she is, and was when the 4 herein described mailing took place, a citizen of the United States, 5 over 21 years of age, and not a party to, nor interested in, the 6 within action; that on the 10th day of December, 2002, declarant 7 deposited in the United States mail at Las Vegas, Nevada, a copy of 8 the Motion to Recall Remittitur Pending Application for Certiorari 9 in the case of Zane Michael Floyd, Case No. 36752 enclosed in a 10 sealed envelope upon which first class postage was fully prepaid, 11 addressed to Frankie Sue Del Papa, Attorney General, 100 North 12 Carson Street, Carson City, Nevada 89701-4717. That there is a 13 regular communication by mail between the place of mailing and the 14 place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 10th day of December, 2002.

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RECEIPT OF A COPY of the foregoing Motion to Recall Remittitur Pending Application for Certiorari is hereby acknowledged this /0 day of December, 2002.

Deena Daniel

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STEWART L. BELL CLARK COUNTY DISTRICT ATTORNEY

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By Hadine Mulkey