

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 36752

FILED

DEC 12 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

MOTION TO RECALL REMITTITUR PENDING
APPLICATION FOR CERTIORARI

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.

This motion is based upon the attached Affidavit of counsel.

DATED this 10th day of December, 2002.

MARCUS D. COOPER
CLARK COUNTY PUBLIC DEFENDER

By

ROBERT L. MILLER
NEVADA BAR #1060
DEPUTY PUBLIC DEFENDER
309 SOUTH THIRD STREET, SUITE #226
LAS VEGAS, NEVADA 89155-2610
(702) 455-4685

RECEIVED

DEC 12 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

02-21227

A F F I D A V I T

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

ROBERT L. MILLER, being first duly sworn, deposes and states as follows:

1. That he is an attorney duly licensed to practice law in the State of Nevada and the Deputy Public Defender assigned to represent Zane Michael Floyd, Nevada Supreme Court Case No. 36752.

2. That the Appellant in this case, Zane Michael Floyd, appealed to the United States Supreme Court for relief from adverse rulings made by the courts.

3. That the Appellant, pursuant to **United States Supreme Court Rule 13.1**, filed a timely Petition with the United States Supreme Court.

4. That this Petition was accepted as timely filed, but pursuant to this Petition, Appellant was sent a Notice by the Supreme Court to change the style of the affidavit or declaration of indigency format of his brief to conform with Supreme Court rules. (See Exhibit A).

5. That Appellant has made these format changes and said Petition was filed in the United States Supreme Court on November 27, 2002. (See Exhibit C)

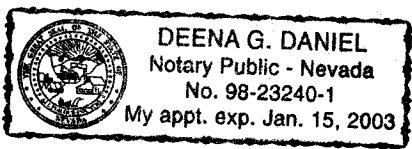
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1 6. That pursuant to Nevada Supreme Court Rule 41,
2 Appellant asks that since this Petition was timely filed, that the
3 Court recall the remittitur in this action pending application for
4 certiorari. (Exhibit B)

5
6
7 ~~Robert L. Miller~~

8 Subscribed and sworn to before me
9 this 10th day of December, 2002.

10 Deena G. Daniel
11 NOTARY PUBLIC in and for said
12 County and State



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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)

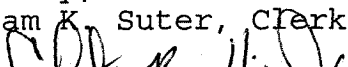
Dear Mr. Miller:

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.

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: 

Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

cc: Frankie Sue Del Papa

Exhibit A

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: J. Richards
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 Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on _____.

County Clerk

Exhibit B

02-13943

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:

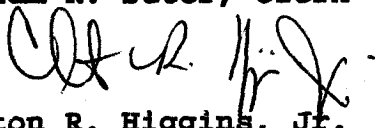
The petition for a writ of certiorari in the above entitled case was filed August 2, 2002 and placed on the docket November 27, 2002 as No. 02-7638.

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 C

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

18 
19 Deena Daniel

24 STEWART L. BELL
CLARK COUNTY DISTRICT ATTORNEY

26 By Nadine Mulkey
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