

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM LESTER WITTER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 73444

**FILED**

FEB 23 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING MOTION TO DISMISS  
AND REINSTATING BRIEFING*

This is an appeal from a third amended judgment of conviction. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Respondent has filed a motion to dismiss the appeal. Appellant opposes the motion, respondent has filed a reply, and appellant has filed a supplemental response to respondent's reply.

Respondent's motion to dismiss the appeal for lack of jurisdiction is denied at this time. However, the parties may discuss, in their briefs, the issues raised, in particular the issue related to the law of the case doctrine and the implications of this court's decision in *Slaatte v. State*, 129 Nev. 219, 298 P.3d 1170 (2013).

Accordingly, the briefing in this appeal is reinstated as follows.<sup>1</sup> Appellant shall have 60 days from the date of this order to file and serve the

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<sup>1</sup>Having considered the State's motion to consolidate this appeal with the appeal in Docket No. 73431, the motion is denied. Although the identified cases will not be formally consolidated, they will nonetheless be clustered based on the related subject matter to ensure that the appeals are resolved in a consistent and efficient manner. See IOP 2(c)(2).

opening brief. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(3).

It is so ORDERED.<sup>2</sup>

Douglas, C.J.  
Douglas

Cherry, J.  
Cherry

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

cc: Federal Public Defender/Las Vegas  
Attorney General/Carson City  
Clark County District Attorney

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<sup>2</sup>The Honorable Kristina Pickering, Justice; voluntarily recused herself from participation in this matter.