

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW LEON MOULTRIE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65390

FILED

JAN 08 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Amulca*
DEPUTY CLERK

ORDER TRANSFERRING TO COURT OF APPEALS

We previously informed the parties that this appeal may be assigned to the Court of Appeals of Nevada for disposition. *See Nev. Const. art. 6, § 4.* Because the appeal had been docketed before the effective date of amendments to the Nevada Rules of Appellate Procedure that allow the parties to address assignment of an appeal in their briefs, we provided the parties an opportunity to file a written statement explaining why this court should not assign this appeal to the court of appeals. Appellant has filed a statement suggesting that this court should retain this appeal.

Although the issue regarding the delay in seeking leave to file an information by affidavit may raise a unique question involving statutory interpretation, it appears to be an issue that can be appropriately addressed by the court of appeals. Accordingly, we direct the clerk of this court to assign this appeal to the court of appeals for disposition. The Nevada Rules of Appellate Procedure as amended on December 18, 2014, shall apply to all further proceedings in this appeal. *See NRAP 2* ("On its own . . . motion, the Supreme Court may—to expedite its decision or for other good cause—suspend any provision of these Rules

in a particular case and order proceedings as it directs, except as otherwise provided in Rule 26(b).").

It is so ORDERED.

1. J. J. J. J. J., C.J.

cc: Hon. Robert W. Lane, District Judge
Christopher R. Arabia
Attorney General/Carson City
Esmeralda County District Attorney