

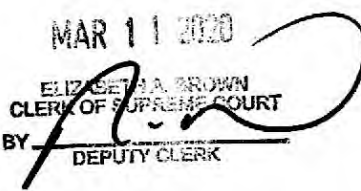
IN THE SUPREME COURT OF THE STATE OF NEVADA

SALLY DORIAN VILLAVERDE,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 77563

FILED

MAR 11 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER

The court of appeals granted appellant's petition for rehearing and entered a new order of affirmance. The remittitur issued on February 18, 2020. On February 21, 2020, this court received and returned, unfiled, an untimely petition for review. Appellant has filed a motion for leave to file a petition for review and to stay the issuance of the remitter, which this court construes as a motion to recall the remittitur and to reinstate the appeal. The petition for review returned on February 21, 2020, was signed and served on the Clark County District Attorney's office on February 2, 2020, which would be within the time frame allowed for a petition for review. NRAP 40B(c). Appellant attaches to the motion a copy of a brass slip from the prison mail room requesting a charge to appellant's account on February 3, 2020, for legal mail to the supreme court and the district attorney's office. It appears, therefore, that the remittitur may have been issued as a result of inadvertence on the part of the court. *See Wood v. State*, 60 Nev. 139, 141, 04 P.2d 187, 188 (1940) (this court may recall a remittitur when inadvertence on the part of the court results in an unjust decision). Under the circumstances, and given this court's general policy favoring decision on the merits, *see Stoecklein v. Johnson Electric, Inc.*, 109 Nev. 268, 271, 849 P.2d 305, 307 (1993) (noting that this state's general underlying



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fundamental policy is to decide cases on the merits whenever possible), this court directs the clerk of this court to recall the remittitur and reinstate this appeal. The clerk of this court shall detach the petition for review, beginning at the third page in Exhibit C to the motion, and shall file it separately.

It is so ORDERED.

\_\_\_\_\_*Pickering*\_\_\_\_\_, C.J.

cc: Hon. Douglas W. Herndon, District Judge  
Sally Dorian Villaverde  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk