

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES HOWARD HAYES, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83274

FILED

MAR 15 2022

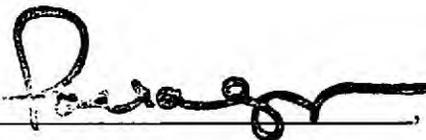
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER RECALLING REMITTITUR AND REINSTATING APPEAL

This court entered an order of affirmance and on March 7, 2022, issued the remittitur and closed this case. However, it appears that appellant timely submitted a motion for reconsideration, which was inadvertently returned to him unfiled. Appellant has resubmitted the motion with a letter to this court. The clerk of this court shall file appellant's letter received on March 9, 2022, and shall recall the remittitur. *See Wood v. State*, 60 Nev. 139, 141, 104 P.2d 187, 188 (1940) (this court may recall the remittitur when it was issued inadvertently or by mistake). The clerk shall detach the motion for reconsideration from appellant's letter and shall file it separately as a petition for rehearing in the court of appeals. NRAP 40.

This order shall be filed in both this court and the court of appeals.

It is so ORDERED.

 C.J.

cc: Hon. Monica Trujillo, District Judge
James Howard Hayes, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk