

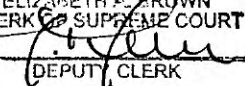
IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85375

FILED

NOV 03 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

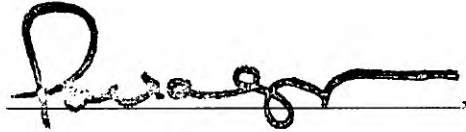
ORDER OF LIMITED REMAND

This is an appeal from an August 1, 2022, order denying a motion to vacate and correct illegal sentence. This court's preliminary review of the documents before this court indicates that the notice of appeal was untimely filed more than 30 days after entry of the judgment or order. *See* NRAP 4(b)(1)(A); NRAP 26(c). In his notice of appeal, appellant states that he never received a copy of the district court's order entered on August 1, 2022. The district court's order contained a certificate of service, but it does not list appellant. Thus, it is not clear whether appellant was properly served with the order. Service by mail is complete upon mailing. *See* NRS 178.584(2); NRCP 5(b)(2); NRAP 25(c)(3). However, when the "appellant avers that he did not receive the notice of entry of judgment, there is a legitimate question of fact as to whether the notice was ever mailed." *Zugel v. Miller*, 99 Nev. 100, 101, 659 P.2d 296, 297 (1983). Appellant's assertions regarding his receipt of the district court's order appear to raise a genuine issue of fact as to whether the August 1, 2022, order was actually mailed to appellant. This court is not a fact-finding tribunal. *Id.* Accordingly, this court remands this appeal to the district court for the limited purpose of determining whether appellant was properly served with the order entered

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on August 1, 2022. The district court shall have 30 days to file and serve a response to this order.

It is so ORDERED.

 C.J.

cc: Hon. Carli Lynn Kierny, District Judge
Justin Odell Langford
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk