

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOBBY VINCENT WARREN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63314

FILED

DEC 30 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of robbery with the use of a deadly weapon, victim 60 years of age or older, and first degree murder with the use of a deadly weapon, victim 60 years of age or older. Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

On August 29, 2013, appellant's counsel filed a notice of withdrawal of this appeal, informing this court that appellant is deceased. Because counsel generally "cannot act on a deceased client's behalf," *Brass v. State*, 129 Nev. ___, ___, 306 P.3d 393, 393 (2013), we treated the notice of withdrawal of appeal as a suggestion of appellant's death on the record and ordered appellant's personal representative, if any, to file a motion for substitution with this court pursuant to NRAP 43 by December 17, 2013, if he or she wished to proceed with this appeal. We cautioned that if no personal representative was substituted within the allotted time, the

appeal would be dismissed. Because no personal representative of appellant has filed a motion for substitution in this appeal, we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Abbi Silver, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk