

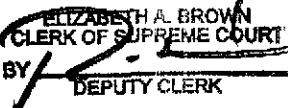
IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN THOMAS ASTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73789

FILED

MAR 06 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellant's counsel previously filed a letter indicating that appellant is deceased and requesting guidance on how to proceed. On November 6, 2017, we entered an order instructing that appellant's personal representative, if any, should file a motion for substitution in this court pursuant to NRAP 43 within 90 days if he or she wished to proceed with this appeal. *See* NRAP 43(a); *Brass v. State*, 129 Nev. 527, 306 P.3d 393 (2013); *see also Walker v. Burkham*, 68 Nev. 250, 253-54, 229 P.2d 158, 160 (1951) ("Upon the death of a party . . . the [action] cannot proceed until someone is substituted for the decedent . . ."). We stated that if no personal representative was substituted within that time, this appeal would be dismissed. *See Brass*, 129 Nev. at 530, 306 P.3d at 395. To date, no personal

representative has filed a motion for substitution or otherwise communicated with this court. Accordingly, we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. James E. Wilson, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk