

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENNETT GRIMES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67598

**FILED**

JUN 08 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

**ORDER DENYING MOTION AND REINSTATING BRIEFING**

This is an appeal from a district court order denying a motion to correct an illegal sentence. Because the district court had not yet entered a written order at the time the notice of appeal was filed, we entered an order directing the district court to enter a written order. That order noted that the district court retained jurisdiction but that upon entry of a written order resolving appellant's motion, appellate jurisdiction would be vested in this court. After entry of that order, but before the district court entered its order denying the motion to correct an illegal sentence, we entered an order denying appellant's counsel's motion to withdraw.

Counsel has now filed a motion to strike our order denying her motion to withdraw, contending that this court lacked jurisdiction to enter it because the district court had not yet entered an order resolving appellant's motion. We disagree. While the district court retained jurisdiction over the merits of this matter, this court did not lack jurisdiction to consider and resolve a procedural motion filed in this court. *See* NRS 177.155 (control and supervision of the appellate proceedings generally rest with the appellate court "from the time the notice of appeal is filed with the clerk"); *cf. Foster v. Dingwall*, 126 Nev. 49, 52, 228 P.3d



cc: Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney