

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN BROOKS A/K/A RALPH KEVIN
CLARK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46807

FILED

APR 11 2006

DAVID M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER RE: ENTRY OF WRITTEN JUDGMENT OR ORDER

This is a proper person appeal from a decision of the district court denying a motion for production of favorable evidence and a motion to dismiss prosecution and judgment of conviction for lack of information.¹ This court's review of this appeal reveals that as of the date of this order, the district court has not entered a written order denying the motions. The criminal court minutes indicate that the district court orally denied the motions in court on February 8, 2006. Prior to the entry of a final, written judgment or order, and the timely filing of a notice of appeal, the district court technically retains jurisdiction over appellant's case.¹ See Bradley v. State, 109 Nev. 1090, 864 P.2d 1272 (1993). Thus, a copy of the written judgment or order is essential to a determination of this court's jurisdiction to consider this appeal.

¹It appears that the latter document may have been construed to be a post-conviction petition for a writ of habeas corpus. See NRS 34.724(2)(b).

²In a criminal case, a notice of appeal filed after announcement of the decision, but before entry of the written judgment or order is deemed to have been filed "after such entry and on the day thereof." NRAP 4(b)(1).

Accordingly, the district court shall have thirty (30) days from the date of this order within which to: (1) enter a written judgment or order or (2) inform this court that it is reconsidering its decision. In the event the district court enters a written judgment or order (or has already entered a written judgment or order of which this court is unaware), the clerk of the district court shall immediately transmit a certified copy of the judgment or order to the clerk of this court.

It is so ORDERED.


_____, C.J.

cc: Hon. Nancy M. Saitta, District Judge
Kevin Brooks
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk