

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDYS A. MARTINEZ A/K/A FREDDY
MARTINEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57197

FILED

DEC 08 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingles*
DEPUTY CLERK

ORDER RE: ENTRY OF WRITTEN JUDGMENT OR ORDER
AND RECORD ON APPEAL

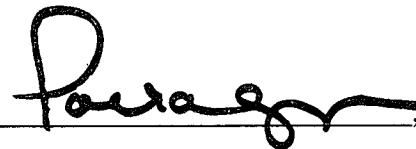
This is a proper person appeal from a decision denying a post-conviction petition for a writ of habeas corpus. This court's review of this appeal indicates that, as of the date of this order, the district court has not entered a written order denying the petition. The criminal court minutes indicate that the district court orally denied the petition in court on July 14, 2010. 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. See Bradley v. State, 109 Nev. 1090, 1094-95, 864 P.2d 1272, 1275 (1993). In 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)(2). Thus, a copy of the written judgment or order is essential to a determination of this court's jurisdiction to consider this appeal.

Accordingly, the district court shall have 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.

Further, the clerk of the district court shall, within 60 days from the date of this order, transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2). The record shall not include any physical, non-documentary exhibits or the original documentary exhibits filed in the district court, but copies of documentary exhibits submitted in the district court proceedings shall be transmitted as part of the record on appeal. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

It is so ORDERED.

 P.J.

cc: Hon. Donald M. Mosley, District Judge
Fredys A. Martinez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk