

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MONTELL CHAPPELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61967

FILED

OCT 30 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER RE: ENTRY OF WRITTEN ORDER

This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus. The criminal court minutes indicate that the district court orally denied the post-conviction petition for a writ of habeas corpus in court on October 19, 2012, but it is not clear whether the district court has entered a written order resolving the petition. Prior to the entry of a final, written order and the timely filing of a notice of appeal, the district court technically retains jurisdiction over appellant's case. In a criminal case, a notice of appeal filed after announcement of the decision, but before entry of the written 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 order resolving the post-conviction petition for a writ of habeas corpus 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 order resolving the petition or (2) inform this court that it is reconsidering its decision. In the event the district court enters a written order (or has already entered a written order of which this court is unaware), the clerk of the district court

shall immediately transmit a certified copy of the written order to the clerk of this court.

It is so ORDERED.

Cherry, C.J.

cc: Hon. Carolyn Ellsworth, District Judge
Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

