

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JOSEPH JEFFRIES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68338

FILED

AUG 09 2016

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

ORDER DENYING MOTION

This is an appeal from a judgment of conviction for second-degree murder with the use of a deadly weapon. Appellant has filed a motion for release pending appeal. The motion is opposed and appellant has filed a reply.

A motion for bail pending appeal ordinarily must be submitted in the first instance to the district court. NRS 177.145; *Polito v. State*, 70 Nev. 525, 526, 275 P.2d 884, 884 (1954), *superseded by statute on other grounds as stated in In re Austin*, 86 Nev. 798, 477 P.2d 873 (1970), *overruled on other grounds by Bergna v. State*, 120 Nev. 869, 102 P.3d 549 (2004). Although appellant notes that he was remanded into custody after the jury returned its verdict, appellant does not assert, and it does not appear from the record before this court, that he moved the district court for bail pending appeal. And appellant does not assert that seeking relief

in the district court in the first instance is impracticable. Therefore, we deny the motion.

It is so ORDERED.

	<u>Cherry</u> , J.	
	Cherry	
<u>Douglas</u> , J.		<u>Gibbons</u> , J.
Douglas		Gibbons

cc: Chief Judge, The Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Gentile, Cristalli, Miller, Armeni & Savarese, PLLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk