

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED C. HARVEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75911

**FILED**

JUL 23 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING MOTION*

This is an appeal from a district court order denying appellant's motion for new trial. Appellant has filed a motion to remand this appeal to the district court, arguing that the trial judge should have decided his motion for new trial. Alternatively, appellant moves this court to dismiss his conviction. Respondent opposes the motion and appellant has filed a reply.

Appellant's arguments supporting the motion for remand go to the merits of this pending appeal—whether the district court erred in some manner when it denied appellant's motion for new trial. This court prefers to leave the merits of this appeal to be addressed through appropriate briefing under NRAP 31(a)(1) rather than motion practice. Accordingly appellant's motion for remand or, alternatively, to dismiss his conviction is denied.<sup>1</sup>

It is so ORDERED.

Drygas, C.J.

<sup>1</sup>Appellant has appealed his judgment of conviction in Docket No. 72829.

cc: Hon. Douglas Smith, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk