

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALAN D. DANIELS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 41633

**FILED**

JUL 8 2003

ANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

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

This is a proper person appeal from a decision of the district court denying appellant's motion to modify a sentence. 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 motion. The criminal court minutes indicate that the district court orally denied the motion in court on May 20, 2003. 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.<sup>1</sup> 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.

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

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<sup>1</sup>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)(1).

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 one hundred and twenty (120) 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.<sup>2</sup> See NRAP 11(a)(2) (the complete record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court, as well as any previously prepared transcripts of the district court proceedings).

It is so ORDERED.

Agosti, C.J.

cc: Hon. Donald M. Mosley, District Judge  
Alan D. Daniels  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>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 this matter. The clerk of the district court shall transmit the reports to this court in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).