

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN INGEBRETSEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43051

FILED

AUG 26 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOR  
CLERK OF SUPREME COURT  
BY *J. Howard*  
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court purportedly denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

On August 20, 2001, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted use of a minor in the production of pornography, one count of possession of visual presentation depicting sexual conduct of person under the age of sixteen and one count of open or gross lewdness. The district court sentenced appellant to serve a term of thirty-six to one hundred and twenty months in the Nevada State Prison for the attempt count. The remaining terms were imposed to run concurrently. This court dismissed the direct appeal.<sup>1</sup>

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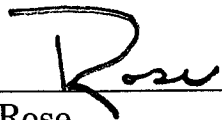
<sup>1</sup>See Ingebretsen v. State, Docket No. 38391 (Order Dismissing Appeal, January 23, 2002).

On July 8, 2002, appellant filed a timely proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. The district court appointed counsel to assist appellant, and post-conviction counsel filed a motion to withdraw the guilty plea. The State opposed the motion. On March 5, 2003, the district court orally denied the motion to withdraw a guilty plea, and on March 6, 2003, the district court entered a written order denying the motion to withdraw a guilty plea. On March 22, 2004, appellant filed the instant appeal—a notice of appeal from an order of the district court purportedly denying appellant's post-conviction petition for a writ of habeas corpus.

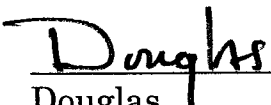
This court's review of this appeal reveals a jurisdictional defect. Specifically, at the time appellant filed his notice of appeal, March 22, 2004, the district court had not entered a decision, oral or written, denying the habeas corpus petition filed by appellant on July 8, 2002, in proper person. Although the district court entered an order denying the motion to withdraw a guilty plea, an intermediate motion filed in the habeas corpus proceedings, the record indicates that the district court has not entered a final order resolving the proceedings initiated by appellant's July 8, 2002 habeas corpus petition. Thus, appellant's notice of appeal is premature. We are confident that the district court will resolve the habeas corpus petition as expeditiously as its calendar permits and enter a final written order containing specific findings of fact and conclusions of

law.<sup>2</sup> Appellant may file a notice of appeal from the final order of the district court resolving the July 8, 2002 petition.<sup>3</sup> Accordingly,

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Lee A. Gates, District Judge  
John Ingebretsen  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>See NRS 34.740; NRS 34.830(1).

<sup>3</sup>See NRS 34.575(1).