

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESMOND FLEMING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43537

FILED

AUG 20 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

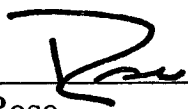
This is a proper person appeal from an order of the district court purportedly denying a motion for the appointment of counsel and a motion for new trial on June 19, 2004. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

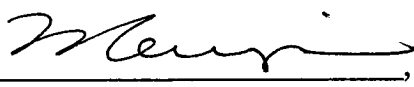
This court's review of this appeal reveals several jurisdictional defects. Specifically, the record before this court indicates that the district court did not deny the afore-mentioned motions on June 19, 2004. In fact, the record indicates that appellant did not file a motion for a new trial in the district court at any time following his October 24, 2003 judgment of conviction.¹ An order denying a motion for the appointment of counsel is

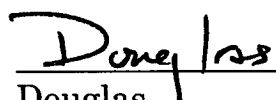
¹The record indicates that a motion for a new trial was filed in the district court in 2001. However, the 2001 motion for a new trial was granted. The October 24, 2003 judgment of conviction is a result of proceedings subsequent to the 2001 motion for a new trial. Although appellant filed at least four post-conviction petitions for writs of habeas corpus, the district court had not made a decision, oral or written, at the time appellant filed the instant notice of appeal. Thus, to the extent that appellant sought to appeal the purported denial of his habeas corpus petitions, the appeal is premature.

not independently appealable.² Because appellant has failed to designate an appealable order, we

ORDER this appeal DISMISSED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Jackie Glass, District Judge
Desmond Fleming
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²See NRS 177.015(3); NRS 177.045.