

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE HARTWELL A/K/A WILLIE
LAMAR HARTWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49129

FILED

MAY 16 2007

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is a proper person appeal from a purported decision of the district court denying a motion to correct an illegal sentence. Eighth Judicial District Court, Clark County; Elizabeth Halverson, Judge.

On March 13, 2007, appellant filed a proper person notice of appeal in the district court, and in his notice of appeal he stated that he was appealing from a decision of the district court denying a motion to correct an illegal sentence. Appellant further stated that the date of the district court's decision was unknown.


It was not clear from the documents before this court that the district court had in fact denied a motion to correct an illegal sentence. The docket entries further contained some confusion regarding which defendant filed the motion to correct an illegal sentence. Thus, this court directed the clerk of the district court to inform this court: (1) who filed the motion to correct an illegal sentence; (2) whether the motion to correct an illegal sentence was denied on January 3, 2007, or taken off calendar; and (3) if the motion to correct an illegal sentence was taken off calendar, was any date scheduled for recalendaring the motion.

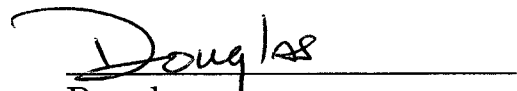
The clerk of the district court filed a timely response and informed this court that appellant filed the motion to correct an illegal

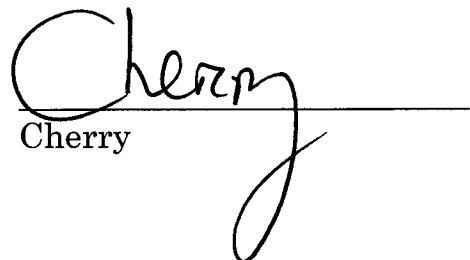
sentence and not his co-defendant. The clerk of the district court further informed this court that the motion to correct an illegal sentence was taken off calendar and has not been recalendared.

Having considered the documents before this court, we conclude that this court lacks jurisdiction to consider this appeal. Appellant's notice of appeal was premature as the district court did not make a final decision on the motion. We are confident that the district court will resolve all pending matters as expeditiously as the calendar permits. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Elizabeth Halverson, District Judge
Willie Hartwell
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk