

IN THE SUPREME COURT OF THE STATE OF NEVADA

**FILED**

GERALD F. KARPE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50731

FEB 29 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

GERALD F. KARPE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50865

ORDER ADMINISTRATIVELY CLOSING APEAL

Docket No. 50731 is an appeal from a presentence order of the district court denying appellant's motion for a new trial in district court case number C0601079. On December 31, 2007, this court ordered counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. On January 22, 2008, counsel for appellant filed a response to this court's order to show cause.

Docket No. 50865 is an appeal from a judgment of conviction upon a jury verdict in district court case number C0601079. The amended notice of appeal in Docket No. 50865 recites, in part, that appellant also appeals from the district court's denial of his presentence motion for a new trial. It is unnecessary to reach the jurisdictional issue presented in Docket No. 50731. Because the order determining the presentence motion for a new trial is an intermediate order, pursuant to NRS 177.045, any issues respecting the district court's denial of the motion for a new trial in district court case number C0601079 can be asserted in the context of the direct appeal from the judgment of conviction presently pending in Docket

No. 50865. Thus, we conclude that the appeal in Docket No. 50731 is unnecessarily docketed in this court as a separate proceeding. Accordingly, the clerk of this court shall administratively close the appeal in Docket No. 50731 and transfer all documents filed or received in that matter to Docket No. 50865.

It is so ORDERED.

 C.J.

cc: Hon. James Todd Russell, District Judge  
State Public Defender/Carson City  
Attorney General Catherine Cortez Masto/Carson City  
Carson City District Attorney  
Carson City Clerk  
Gerald F. Karpe