

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRISS LONNIE ROGERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52421

FILED

OCT 21 2008

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a purported final decision of the district court denying a motion to correct or modify a sentence. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Our review of this appeal reveals a jurisdictional defect. On August 12, 2008, the district court entered an order stating that the motion to correct or modify a sentence would be considered along with a post-conviction petition for a writ of habeas corpus once that petition had been formally submitted to the court for a decision. Thus, appellant's notice of appeal was premature as no final decision has been made on the motion to correct or modify a sentence. Accordingly, we

ORDER this appeal DISMISSED.

J. Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

cc: Hon. Connie J. Steinheimer, District Judge
Criss Lonnie Rogers
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk