

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMARIAN A. CLEMONS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57935

FILED

JUL 13 2011

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

ORDER DISMISSING APPEAL


This is a proper person appeal from a decision to deny a motion to correct sentence without prejudice. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

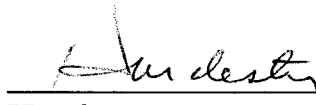
The district court denied a motion to correct without prejudice in a written order entered on April 4, 2011. It appears that the district court believed it did not have jurisdiction while the appeal in Clemons v. State, Docket No. 57301 was pending in this court.

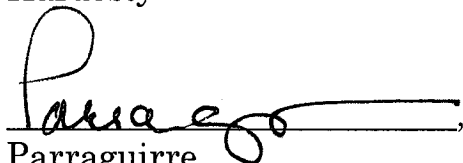
No appeal lies from a decision to deny a motion to correct without prejudice as this is not a final decision on the motion, and therefore, this court lacks jurisdiction over this appeal. NRS 177.015(3). However, we note that the district court erroneously concluded it had no jurisdiction over the motion as a motion to correct is a separate proceeding from a post-conviction petition for a writ of habeas corpus. We are

confident that the district court will resolve all pending matters as expeditiously as its calendar permits. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Valorie Vega, District Judge
Demarian A. Clemons
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk