

IN THE SUPREME COURT OF THE STATE OF NEVADA

CALVIN KIRKLAN A/K/A CALVIN LEE
KIRKLIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62146

FILED

MAY 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a purported final order denying a motion to withdraw a guilty plea.¹ Eighth Judicial District Court, Clark County; Doug Smith, Judge.


On October 8, 2012, appellant filed a proper person motion to withdraw a guilty plea and a motion for the appointment of counsel. On October 22, 2012, the district court purportedly denied the motion to withdraw a guilty plea but continued consideration of the motion for appointment of counsel. The district court entered a written order regarding the motion to withdraw a guilty plea on November 6, 2012, and appellant filed a proper person notice of appeal from that decision, which was docketed in this court in the instant case.

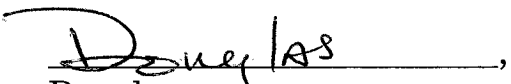
A review of the documents before this court indicates that the district court's November 6, 2012, order was not a final decision and that

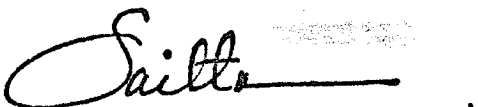
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

entry of the November 6, 2012, order was a clerical mistake. After entry of the order, the district court appointed attorney Matthew Carling to represent appellant on the motion.² After a hearing on the motion, the district court denied the motion on March 5, 2013, and an appeal from that decision is pending in this court in Docket No. 62884. Under these circumstances, we conclude that we lack jurisdiction over this appeal. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Doug Smith, District Judge
Calvin Kirklan
Matthew D. Carling, Esq.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²A review of the record and docket entries indicates that nothing besides the motion to withdraw a guilty plea had been filed in the district court immediately preceding the appointment of counsel.