

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCISCO ENRIQUE VIDAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66121

FILED

OCT 15 2014

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a prejudgment motion for a new trial. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

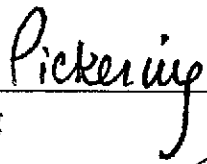
Because the aforementioned order is an intermediate order which may only be reviewed upon appeal from the judgment of conviction, *see State v. Lewis*, 124 Nev. 132, 136, 178 P.3d 146, 148 (2008), we ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, appellant concedes that, pursuant to *Lewis*, a prejudgment order denying a motion for a new trial is an intermediate order that cannot be reviewed prior to entry of the judgment of conviction in most circumstances. He contends, however, that *Lewis* does not govern this appeal because that opinion is "not of universal application" and there may be circumstances under which an order resolving a prejudgment motion for a new trial is appealable. Appellant fails to support this contention with any argument and we conclude he fails to demonstrate that *Lewis* does not apply to this appeal.

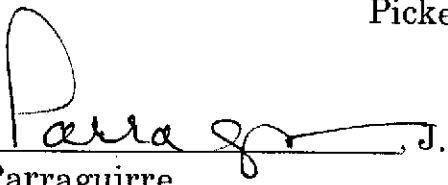
Appellant also contends that NRS 177.025 authorizes this court to entertain the appeal given that "the sole basis of the appeal"


relates to the district court's "legal findings." Contrary to appellant's assertion, NRS 177.025 does not govern this court's jurisdiction to consider an appeal; rather, that statute prohibits this court from making findings of fact on appeal. We therefore reject appellant's contention that NRS 177.025 provides this court with jurisdiction to hear this appeal.

We conclude that we lack jurisdiction to consider this appeal, *see Lewis*, 124 Nev. at 136, 178 P.3d at 148, and we

ORDER this appeal DISMISSED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Douglas W. Herndon, District Judge
Legal Resource Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Francisco Enrique Vidal