

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN L. SONNEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 36087

**FILED**

OCT 03 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Ruben*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

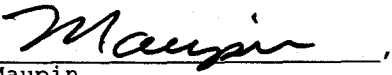
The notice of appeal in this case states that this is an appeal from a judgment of conviction entered on April 11, 2000. Our review of this appeal revealed a potential jurisdictional defect. Although the district court stated in its April 11, 2000, order that it was entering a judgment of conviction and the caption on the district court's order indicates that it is a judgment of conviction, the court had not yet sentenced appellant and the purported judgment of conviction does not set forth the adjudication and sentence as required by NRS 176.105. We therefore conclude that the order entered on April 11, 2000 is not a valid judgment of conviction and cannot be appealed from as a final judgment of conviction.


However, based on the argument made in the fast track statement, it appeared that the notice of appeal could be treated as an appeal from the portion of the April 11, 2000, order that revoked appellant's probation pursuant to NRS 453.3363. Because the right to appeal is statutory and it appeared that no statute or court rule provides for an appeal from such an order, this court ordered counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. See *Castillo v. State*, 106 Nev. 349, 792 P.2d 1133 (1990).

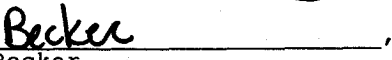
In response to the show cause order, appellant argues that the district court's order should be treated as the functional equivalent of an order revoking probation following a judgment of conviction pursuant to NRS 176A.630. We disagree. Unlike an order revoking probation after entry of a final

judgment of conviction, the order in this case preceded entry of a judgment of conviction. Thus, the order in this case is an intermediate order that may be reviewed on direct appeal from a final judgment of conviction. See NRS 177.045. We therefore conclude that the district court's order in this case is not independently appealable. Accordingly, we lack jurisdiction to entertain this appeal and we

ORDER this appeal dismissed.

  
Maupin J.

  
Shearing J.

  
Becker J.

cc: Hon. Dan L. Papez, District Judge  
Attorney General  
Lincoln County District Attorney  
State Public Defender  
Lincoln County Clerk