

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEAN L. MITCHELL, SR.,

No. 36197

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

OCT 02 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person notice of appeal from a guilty verdict pursuant to a bench trial finding appellant guilty of robbery with the use of a deadly weapon.

Our preliminary review of this appeal revealed a potential jurisdictional defect. Appellant purported to appeal from the judgment of conviction, when in actuality no judgment of conviction had yet been entered because appellant had not been sentenced. Specifically, on May 15, 2000, the district court found appellant guilty of one count of robbery with the use of a deadly weapon. On May 23, 2000, appellant filed the instant proper person notice of appeal from the verdict. The criminal court minutes indicated that appellant was not scheduled for sentencing until June 16, 2000.

Accordingly, on July 13, 2000, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. This court noted that appellant would be precluded from raising issues relating to sentencing in this appeal because appellant filed his notice of appeal prior to sentencing. Rather, in order to vest jurisdiction in this court to review any issues relating to sentencing, appellant would have to file a second notice of appeal after sentencing and entry of the judgment of conviction. This court noted that it preferred not to allow appeals to proceed in such piecemeal fashion in the interest of judicial economy.

To date, appellant's counsel has not filed a response in this court. We note that on August 7, 2000, appellant filed a second proper person notice of appeal in the district court.

Appellant's August 7, 2000 notice of appeal, docketed in this court in Docket No. 36557, designates that the appeal is from the written judgment of conviction. Cause appearing, we ORDER this appeal dismissed.¹

Young, J.
Young

Maupin, J.
Maupin

Becker, J.
Becker

cc: Hon. Connie J. Steinheimer, District Judge
Attorney General
Washoe County District Attorney
Jenny Hubach
Jack A. Alian
Sean L. Mitchell, Sr.
Washoe County Clerk

¹On August 10, 2000, certified copies of transcripts for proceedings conducted on May 15-16, 2000, and July 10, 2000, were filed in this court in Docket No. 36197. We direct the clerk of this court to transfer to Docket No. 36557 the certified copies of transcripts filed in Docket No. 36197.