

IN THE SUPREME COURT OF THE STATE OF NEVADA

AJAYE BOTLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76428

FILED

NOV 02 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a presentence motion to withdraw a guilty plea.¹ Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, an order denying a presentence motion to withdraw a guilty plea is not an appealable order; the decision may be challenged on appeal from the judgment of conviction.² See *Hargrove v. State*, 100 Nev. 498, 686

¹The Court of Appeals vacated the judgment of conviction and remanded the matter for the district court to conduct an evidentiary hearing and reconsider Botley's presentence motion to withdraw his guilty plea. See *Botley v. State*, Docket No. 72215 (Order Vacating Judgment and Remanding, December 13, 2017).

²The district court minute entries do not indicate that the district court has reinstated the judgment of conviction or reconsidered its decision.

P.2d 222 (1984); *see also Castillo v. State*, 106 Nev. 349, 792 P.2d 1133 (1990). Accordingly, we

ORDER this appeal DISMISSED.³

 Pickering , J.
Pickering

 Gibbons J.
Gibbons

 Hardesty , J.
Hardesty

cc: Hon. Douglas Smith, District Judge
Ajaye Botley
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³Given this order, we take no action on the pro se motion to appoint counsel filed on November 1, 2018.