

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT T. MACHLAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80723

FILED

NOV 24 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an amended judgment of conviction entered after an evidentiary hearing on a postconviction petition for a writ of habeas corpus. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

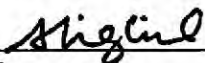
Because it appeared that appellant might not be aggrieved by the amended judgment of conviction, this court entered an order to show cause directing appellant to demonstrate this court's jurisdiction.

Appellant responded and informed this court that, although the amended judgment corrected the sentence from an illegal one to a legal one, appellant continues to object to the sentence imposed, the failure of the court to dismiss certain counts, and the denial of the writ petition. Respondent filed a reply to argue that appellant is not aggrieved and the notice of appeal is untimely filed from the original 2009 conviction. After consideration of the arguments and the documents before this court, this court entered a second order to show cause to clarify whether an order has been entered to resolve the habeas petition. Appellant has responded and confirms no written order resolving the habeas petition has been filed, that the amended judgment was entered pursuant to the petition for a writ of

habeas corpus, that the correction of the sentence was not the complete relief appellant was seeking, and that appellant is ultimately challenging the decision on the petition. However, as no written order of findings of fact and conclusions of law has been entered on the habeas petition, as required by NRS 34.830(1), the district court's decision on the writ petition is not final for purposes of appeal. See NRAP 4(a)(1); *Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987) (explaining that the district court's oral pronouncement from the bench, the clerk's minute order, and even an unfiled written order cannot be appealed). Accordingly, until a final written order has been entered by the district court resolving the petition for a writ of habeas corpus, this court has no jurisdiction to consider challenges regarding the petition. See *id.* This court

ORDERS this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Kimberly A. Wanker, District Judge
David H. Neely, III
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk