

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37685

**FILED**

**JUN 05 2001**

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

STEVEN SAMUEL BRAUNSTEIN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37760

ORDER RE: ENTRY OF WRITTEN JUDGMENT OR ORDER IN DOCKET NO.

37685 AND ADMINISTRATIVELY CLOSING DOCKET NO. 37760

These are proper person appeals from a decision of the district court to deny appellant's "pro per petition: post conviction relief petition for direct appeal."

On January 10, 2001, appellant filed a proper person document labeled, "pro per petition: post conviction relief petition for direct appeal." On March 22, 2001, the district court orally denied the petition. On April 4, 2001, appellant filed a notice of appeal in the district court from the March 22, 2001 decision. Appellant's appeal was docketed in this court in Docket No. 37685. This court's review of the appeal in Docket No. 37685 indicates that, as of the date of this order, the district court has not entered a written order denying appellant's petition. Prior to the entry of a final, written judgment or order, and the timely filing of a notice

01-09330

of appeal, the district court technically retains jurisdiction over appellant's case.<sup>1</sup> See Bradley v. State, 109 Nev. 1090, 864 P.2d 1272 (1993). Thus, a copy of the written judgment or order is essential to a determination of this court's jurisdiction to consider the appeal in Docket No. 37685.

Accordingly, the district court shall have thirty (30) days from the date of this order within which to: (1) enter a written judgment or order or (2) inform this court that it is reconsidering its decision. In the event the district court enters a written judgment or order (or has already entered a written judgment or order of which this court is unaware), the clerk of the district court shall immediately transmit a certified copy of the judgment or order to the clerk of this court in Docket No. 37685.

On April 19, 2001, appellant filed a second notice of appeal from the district court's March 22, 2001 decision to deny his petition. Appellant's second notice of appeal was docketed in this court in Docket No. 37760. Two separate appeals were inadvertently opened in this court under Docket Nos. 37685 and 37760 from the March 22, 2001 decision to deny appellant's post-conviction petition. Accordingly, we direct the clerk of this court to administratively close Docket No. 37760. The clerk of this court shall transfer to Docket No. 37685 all documents filed or received in Docket No. 37760. Appellant's appeal from the March 22, 2001 decision to deny

---

<sup>1</sup>In a criminal case, a notice of appeal filed after announcement of the decision, but before entry of the written judgment or order is deemed to have been filed "after such entry and on the day thereof." NRAP 4(b)(1).

his post-conviction petition will proceed under Docket No.  
37685.

It is so ORDERED.

Marjia, C.J.

cc: Hon. Donald M. Mosley, District Judge  
Attorney General  
Clark County District Attorney  
Steven Samuel Braunstein  
Clark County Clerk