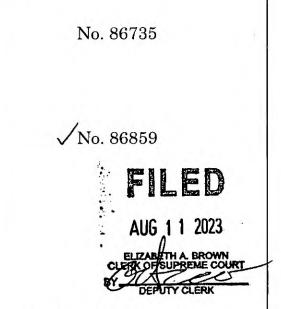
IN THE SUPREME COURT OF THE STATE OF NEVADA

REYNALDO GARDNER, Appellant, vs. THE STATE OF NEVADA, <u>Respondent.</u> REYNALDO GARDNER, Appellant, vs. THE STATE OF NEVADA, Respondent.



23-26087

ORDER ADMINISTRATIVELY CLOSING CASE AND TRANSFERRING DOCUMENTS TO DOCKET NO. 86735

This is a pro se appeal challenging whether appellant was denied effective assistance of counsel during trial and whether the trial court abused its discretion in denying a motion to dismiss for due process violations. Although the notice of appeal does not identify any particular order appellant is appealing, it appears that he is seeking to challenge intermediate decisions rendered before the judgment of conviction was entered.¹

While intermediate decisions may be challenged in the context of an appeal from a judgment of conviction, NRS 177.045, appellant may not proceed on direct appeal without counsel. NRAP 46A(b)(1); *Blandino v. State*, 112 Nev. 352, 356, 914 P.2d 624, 627 (1996) (explaining the due

SUPREME COURT OF NEVADA

¹To the extent appellant is seeking to appeal from some other order, this court lacks jurisdiction.

process concerns with allowing defendants to proceed pro se on direct appeal). Appellant, through counsel, previously filed a notice of appeal from the judgment of conviction; that appeal was docketed in this court as Docket No. 86735. Accordingly, we direct the clerk of this court to administratively close Docket No. 86859 and transfer the notices of appeal filed under Docket No. 86859 to Docket No. 86735. Appellant may proceed with the appeal in Docket No. 86735 through counsel.

It is so ORDERED.

Angline, C.J.

cc: Hon. Joseph Hardy, Jr., District Judge Reynaldo Gardner Attorney General/Carson City Clark County District Attorney Eighth District Court Clerk

SUPREME COURT OF NEVADA