

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEROY ROOSEVELT MACK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40567

FILED

DEC 16 2002

ORDER DISMISSING APPEAL

CLERK OF SUPREME COURT  
BY J. Richards  
DEPUTY CLERK

Appellant purports to appeal in proper person from an order of the district court entered November 12, 2002, denying appellant's motion to set aside judgment or grant new trial. Our review of this appeal reveals a jurisdictional defect. The district court had not made a final decision, oral or written, on appellant's motion at the time he filed his notice of appeal. Accordingly, we conclude that appellant's notice of appeal was premature, and we dismiss this appeal without prejudice to appellant's right to appeal from a final, written order of the district court denying his motion. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Shearing J.  
Shearing

Leavitt J.  
Leavitt

Becker J.  
Becker

cc: Hon. Michael L. Douglas, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Leroy Roosevelt Mack  
Clark County Clerk