

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL LLOYD WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40870

FILED


FEB 27 2003


ORDER DISMISSING APPEAL

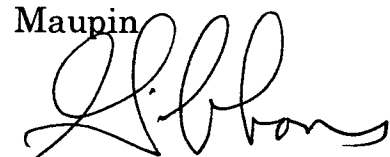
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Richards
CHIEF DEPUTY CLERK

On January 30, 2003, appellant filed a proper person notice of appeal from any adverse decision entered by the district court on January 29, 2003. Our review of this appeal reveals a jurisdictional defect. The district court had not made a final decision, oral or written, on appellant's petition at the time he filed his notice of appeal. On February 11, 2003, this court received a proper person motion to dismiss the appeal without prejudice. In his motion, appellant acknowledged that the district court had not yet entered a final decision on his petition and requested that this appeal be dismissed. We conclude that appellant's notice of appeal was premature, and we grant appellant's motion and dismiss this appeal without prejudice to appellant's right to appeal from a final, written order of the district court denying his petition. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Kathy A. Hardcastle, District Judge
Darryl Lloyd White
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk