

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESAUL CARDENAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40986

FILED

APR 08 2003


ORDER DISMISSING APPEAL


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


This is a proper person appeal from an order of the district court denying a pre-sentence motion to withdraw a guilty plea.

Appellant filed notices of appeal on February 19, 2003 and March 19, 2003, prior to sentencing and the entry of a judgment of conviction. Pursuant to NRS 177.015(3), a defendant in a criminal action may only appeal from a final judgment.¹ Because appellant had not yet been sentenced at the time he filed his notice of appeal, his appeal is premature and this court lacks jurisdiction to consider the appeal. Accordingly we

ORDER this appeal DISMISSED without prejudice to appellant's right to appeal from a final judgment of conviction.²


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

¹See also NRAP 4(b).

²This order constitutes our final disposition of this appeal. Any subsequent appeal shall be docketed as a new matter.

cc: Hon. John S. McGroarty, District Judge
Gregory L. Denué
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk