

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41722

STEVEN SAMUEL BRAUNSTEIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41725

FILED

AUG 15 2003

ORDER DISMISSING APPEALS

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

These are proper person appeals from decisions of the district court in District Court Case Nos. C162359 and C158840. We have consolidated these matters for disposition.

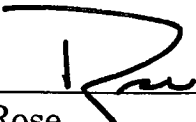
The documents before this court reveal that on June 16, 2003, the district court conducted an evidentiary hearing regarding both of the above-noted post-conviction matters. At the conclusion of that hearing, the district court ordered counsel to be appointed to represent appellant, and directed the parties to file supplemental points and authorities addressing all issues that could have been raised on direct appeal, evidently pursuant to this court's holding in Lozada v. State.¹ The district court also scheduled a further hearing to be conducted on November 19, 2003.

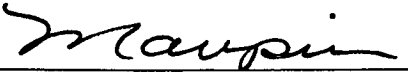
NRS 34.575(1) permits an appeal from order or judgment of the district court denying a post-conviction petition for a writ habeas

¹110 Nev. 349, 871 P.2d 944 (1994).

corpus. In this case, however, the district court has not entered a final, appealable order or judgment resolving appellant's post-conviction petitions. Further, because the district court is permitting appellant to raise all direct appeal issues with the assistance of counsel, appellant is not an aggrieved party at this stage of the proceedings. Under these circumstances, we conclude that these appeals are premature and that this court lacks jurisdiction to consider them. Accordingly, we hereby

ORDER these appeals DISMISSED without prejudice to appellant's right to appeal from a final judgment or order resolving his post-conviction claims.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Sally L. Loehrer, District Judge
Steven Samuel Braunstein
Susan Burke
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk