

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD GASTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42047

FILED

OCT 16 2003

ORDER DISMISSING APPEAL

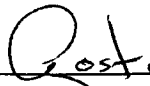
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK


Appellant purports to appeal in proper person from a decision of the district court entered on August 11, 2003, denying appellant's motion to withdraw a guilty plea. Our review of this appeal reveals a jurisdictional defect. The district court had not made a decision, oral or written, on appellant's motion at the time he filed his notice of appeal.<sup>1</sup> 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,


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<sup>1</sup>In fact, the documents before this court indicate that on August 11, 2003, the district court continued the matter and appointed counsel, Mr. Matthew D. Carling, to assist appellant in the proceedings.

we conclude that we lack jurisdiction to consider this appeal, and we  
ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Agosti

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Nancy M. Saitta, District Judge  
Richard Gaston  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Matthew D. Carling  
Clark County Clerk