

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEWELL SMITH,
Appellant,
vs.
STATE OF NEVADA, DEPARTMENT
OF PAROLE AND PROBATION,
Respondent.

No. 42113

FILED

OCT 29 2003

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

ORDER DISMISSING APPEAL


This proper person appeal is taken from a minute order granting defendant's motion to dismiss. Our review of the documents transmitted under NRAP 3(e) reveals a jurisdiction defect. Only a formal written order may be appealed, and a notice of appeal is ineffective if filed after the court's oral pronouncement of a decision but before written judgment is entered.¹ As we noted in Rust v. Clark County School District,² "[p]rior to the entry of a final judgment the district court remains free to reconsider and issue a written judgment different from its oral pronouncement." As appellant's notice of appeal was filed before the district court entered a formal written order, it is ineffective and fails to


¹NRAP 4(a)(1).

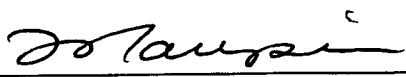
²103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987).

vest jurisdiction in this court. We therefore dismiss this appeal for lack of jurisdiction.

It is so ORDERED.


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Maupin

cc: Hon. Ronald D. Parraguirre, District Judge
Jewell Smith
Attorney General Brian Sandoval/Las Vegas
Clark County Clerk