

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85149

FILED

AUG 22 2022

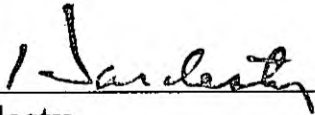
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL


This is a pro se notice of appeal from a purported district court order denying a motion to vacate an illegal sentence. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, no decision, oral or written, had been made on the motion when appellant filed his appeal on August 9, 2022. Rather, on July 19, 2022, the district court continued the matter and directed the state to file a response by September 13, 2022. Thus, the notice of appeal is premature. *See* NRS 177.015(3) (stating that a defendant only may appeal from a final judgment or verdict). To the extent that appellant's appeal is in regard to the order denying a "motion for relief from judgment or order pursuant to Rule 60 of the Nevada Rules of Civil Procedure based on new and equitable rules of law filed 10/2/2015," no statute or court rule provides for an appeal from such an order in a criminal matter. *See Castillo v. State*, 106 Nev. 349, 352,

792 P.2d 1133, 1135 (1990) (explaining that court has jurisdiction only when statute or court rule provides for appeal). Accordingly, this court
ORDERS this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Jacqueline M. Bluth, District Judge
Brian Kerry O'Keefe
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk