

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAWRENCE AUSTIN A/K/A  
LAWRENCE LINDSEY AUSTIN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42907

FILED

MAR 23 2004

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a jury verdict finding appellant guilty of one count of conspiracy to commit robbery, one count of burglary while in possession of a firearm, and two counts of robbery with the use of a deadly weapon.

On January 9, 2004, a jury found appellant guilty of the crimes noted above. The district court thereafter scheduled a sentencing hearing for March 9, 2004. On March 1, 2004, however, prior to the district court's sentencing hearing, appellant filed a proper person notice of appeal.

Although NRS 177.015(3) provides that a defendant may appeal from a "final judgment or verdict in a criminal case" (emphasis added), this court's rules of appellate procedure do not contemplate the filing of an appeal from a verdict prior to sentencing and entry of a written judgment of conviction. For example, NRAP 4(b)(1) provides:

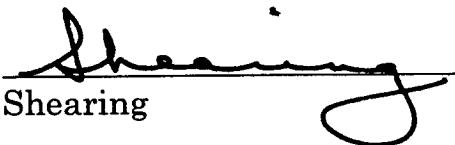
In a criminal case, the notice of appeal by a defendant shall be filed in the district court within thirty (30) days after the entry of the judgment or order appealed from. A notice of appeal filed after the announcement of a decision, sentence or order but before entry of the judgment or order shall be treated as filed after such entry and on the day

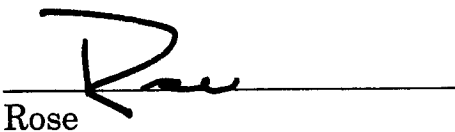
thereof. . . . A judgment or order is entered within the meaning of this rule when it is signed by the judge and filed with the clerk.

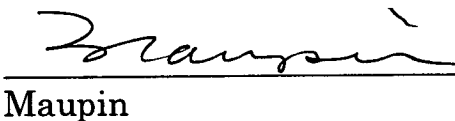
(Emphasis added.) Moreover, under NRS 176.105(1), the written judgment of conviction must set forth the plea, the verdict, the adjudication and sentence, and the amount of credit granted for time spent in confinement before conviction, if any. Therefore, because this appeal was filed prior to the district court's announcement of a sentencing decision and prior to the entry of a written judgment of conviction, we conclude that the appeal is premature.

Accordingly, we

ORDER this appeal DISMISSED without prejudice to appellant's right to file a timely appeal from a written judgment of conviction.

 C.J.  
Shearing

 J.  
Rose

 J.  
Maupin

cc: Hon. Jackie Glass, District Judge  
James L. Buchanan II  
Lawrence Austin  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk