

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID A. BELLEW,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44576

**FILED**

FEB 17 2005

ORDER DISMISSING APPEAL

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

This is an appeal from a guilty verdict, following a jury trial. Eighth Judicial District Court, Clark County; Jackie Glass, Judge. Our preliminary review of the documents before us reveals that the appeal is premature.

Specifically, on January 6, 2005, a jury found appellant guilty of one count of failure to stop on the signal of a police officer, and one count of possession of a stolen vehicle. Based on our review of the documents submitted in this appeal, it appears that the district court has not yet sentenced appellant, nor has the district court entered a final, written judgment of conviction.

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

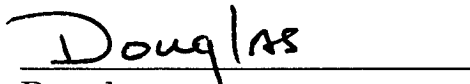
thereof. . . . A judgment or order is entered within the meaning of this rule when it is signed by the judge and filed with the clerk.

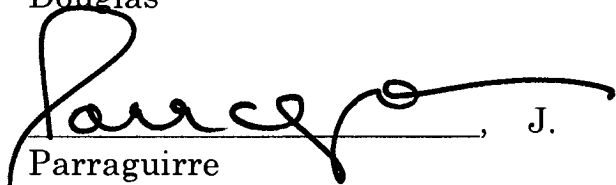
(Emphasis added.) Moreover, NRS 176.105(1) requires that the judgment of conviction set forth the plea, the verdict, the adjudication and sentence, and the amount of credit granted for time spent in confinement before conviction, if any. Therefore, appellant must be sentenced and a written judgment of conviction must be entered by the district court before this court will entertain an appeal.

Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

  
Maupin

  
Douglas

  
Parraguirre

cc: Hon. Jackie Glass, District Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

---

<sup>1</sup>This dismissal is without prejudice to appellant's right to file and perfect a timely appeal following the district court's pronouncement of the sentence.