

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWAN THURMOND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44777

FILED

APR 01 2005

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a jury verdict finding appellant guilty of two counts of conspiracy to commit robbery and three counts of robbery with the use of a deadly weapon.

On February 4, 2005, a jury found appellant guilty of the crimes noted above. The district court thereafter scheduled a sentencing hearing for March 17, 2005. On February 23, 2005, 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.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Donald M. Mosley, District Judge
Edwan Thurmond
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk