

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF MATTHEW C., A
MINOR.

No. 47151

MATTHEW C.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

FILED

MAY 05 2006

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order concerning extradition of a juvenile. Our review of the documents submitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect, as the juvenile court has not entered a written, appealable order concerning the extradition.

On April 7, 2006, an extradition hearing was held before the juvenile hearing master. Authorities in the State of Texas had filed a requisition for the return of appellant, who had escaped from the Texas Youth Commission and was being held at the Clark County Juvenile Detention Center. The juvenile master made an oral pronouncement that appellant be extradited to Texas. Appellant filed this proper person appeal on April 12, 2006.

We conclude that we lack jurisdiction over this appeal. The juvenile master's recommendation "is not effective until expressly

approved by the juvenile court as evidenced by the signature of a judge of the juvenile court.”¹ Moreover, “[a]n oral pronouncement of judgment is not valid for any purpose . . . and only a written judgment may be appealed.”² Accordingly, as we lack jurisdiction, we dismiss this appeal.

Although we lack jurisdiction over this appeal, we take this opportunity to note that it does not appear that the juvenile court master has entered written findings of fact and recommendations, as required by NRS 62B.030. Such written findings of fact and recommendations are due no later than ten days after the close of evidence.³ Thereafter, the minor has the right to object and request a hearing de novo before the juvenile court.⁴ The juvenile court must then accept or reject the master’s recommendations, or direct a hearing de novo.⁵ If the juvenile court enters a written order directing that the minor be extradited, the minor

¹NRS 62B.030(5).

²Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987).

³NRS 62B.030(2).

⁴NRS 62B.030(3).

⁵NRS 62B.030(4).

may appeal from the extradition order within five days.⁶ An extradition order must be stayed during the pendency of the appeal.⁷

Moreover, it appears that appellant should be represented by appointed counsel in the juvenile court. NRS 62D.030(1) provides that “[i]f a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.” An indigent parent or guardian of the child may request the appointment of counsel to represent the child.⁸ Unless the child waives the right to counsel, “the juvenile court shall appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.”⁹

Here, although the underlying proceeding involved extradition and not delinquency, the circumstances of this case indicate that appellant should be represented by counsel. The district court minutes show that the Clark County Public Defender initially represented appellant, and on March 15, 2006, the juvenile hearing master set a briefing schedule for

⁶NRS 34.560(2).

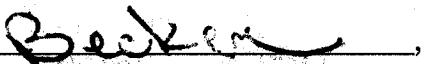
⁷NRS 34.560(3).

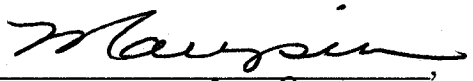
⁸NRS 62D.030(2).


⁹NRS 62D.030(3) and (4).

appellant's challenge to the extradition though an application for a writ of habeas corpus.¹⁰ Before any briefs were filed, however, the juvenile court allowed the public defender to withdraw from representation based on a conflict of interest on March 20, 2006. Accordingly, appellant was not represented by counsel at the extradition hearing on April 7, 2006, and the juvenile hearing master orally denied a request for appointed counsel made by appellant's parents at that hearing. Thus, we urge the juvenile court to appoint counsel for the minor and allow counsel the opportunity to object to the master's recommendations and request a hearing de novo.

It is so ORDERED.


Becker, J.


Maupin, J.


Gibbons, J.

¹⁰See NRS 179.197.

cc: Hon. William O. Voy, District Judge, Family Court Division
Thomas L. Leeds, Juvenile Hearing Master
Matthew C.
Connie Carter
Felton Carter
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger/Juvenile Division
Clark County Clerk