

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYATT JAMES COLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47968

FILED

SEP 26 2006

WYATT JAMES COLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47970

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

WYATT JAMES COLE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47971

ORDER DISMISSING APPEALS

Docket No. 47968 is a proper person appeal from an order of the district court denying a peremptory challenge. Docket No. 47970 is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence. Docket No. 47971 is a proper person appeal from the "State's refusal to comply with Judge Davis' February 24, 2006 Order directing the District Attorney to file an Answer to the Petition . . . and to the District Court's refusal to comply with the Statutes governing

habeas corpus." Fifth Judicial District Court, Mineral County; John P. Davis, Judge. We elect to consolidate these appeals for disposition.¹

This court's review of these appeals reveals jurisdictional defects. First, no statute or court rule permits for an appeal from an order of the district court denying a preemptory challenge.² Further, there is no appeal from the State's or district court's failure to take a particular action in a habeas corpus proceeding. Any issues relating to the prosecution of the habeas corpus petition may be reviewed on appeal from a final, written order denying the petition.³

Next, appellant's appeal from the order denying his motion to correct an illegal sentence is untimely. Specifically, the district court entered the order denying the motion on June 28, 2006. Appellant did not file the notice of appeal, however, until August 4, 2006, after the

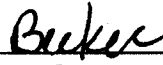
¹See NRAP 3(b).

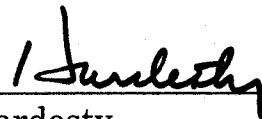
²See Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

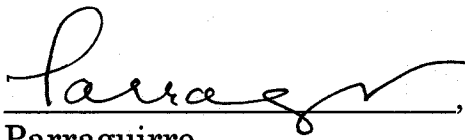
³See NRS 34.575(1); NRS 177.045.

expiration of the thirty-day appeal period prescribed by NRAP 4(b).⁴ An untimely notice of appeal fails to vest jurisdiction in this court.⁵ Accordingly, we conclude that we lack jurisdiction to consider these appeals, and we

ORDER these appeals DISMISSED.


_____, J.
Becker


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. John P. Davis, District Judge
Wyatt James Cole
Attorney General George Chanos/Carson City
Mineral County District Attorney
Mineral County Clerk

⁴See also Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996).

⁵See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).