

IN THE SUPREME COURT OF THE STATE OF NEVADA

LATESHEIA OWENS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48866

**FILED**

APR 06 2007

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court denying a motion for credit. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

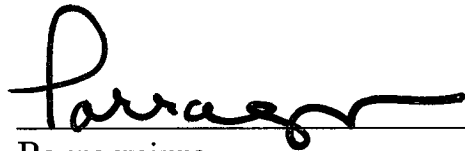
This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying appellant's motion on December 4, 2006. Appellant did not file the notice of appeal, however, until January 31, 2007, after the expiration of the thirty-day appeal period prescribed by NRAP 4(b).<sup>1</sup> An untimely

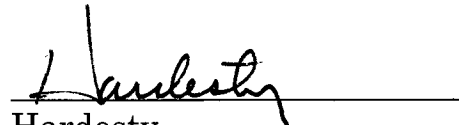
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<sup>1</sup>Because appellant failed to raise her claim for presentence credits in a post-conviction petition for a writ of habeas corpus, appellant may not take advantage of the appeal period set forth in NRS 34.575(1) for a post-conviction petition for a writ of habeas corpus; rather, appellant is bound by the appeal period set forth in NRAP 4(b). See Griffin v. State, 122 Nev. \_\_\_, 137 P.3d 1165 (2006) (holding that a criminal defendant must raise a claim for presentence credit on direct appeal or in a post-conviction petition for a writ of habeas corpus filed in compliance with the procedural requirements set forth in NRS chapter 34); Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996) (holding that a criminal defendant could not take advantage of the appeal period set forth in NRS 34.575 when the defendant did not file a post-conviction petition for a writ of habeas corpus, but rather filed a motion to correct an illegal sentence).

notice of appeal fails to vest jurisdiction in this court.<sup>2</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

  
Parraguirre, J.

  
Hardesty, J.

  
Saitta, J.

cc: Hon. Donald M. Mosley, District Judge  
Latesheia Owens  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>2</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).