

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW JORDAN HUTCHINSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49086

FILED

MAY 31 2007

ORDER DISMISSING APPEAL

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

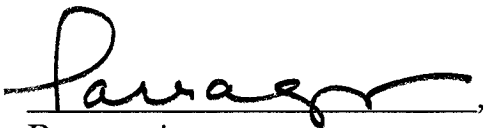
This is an appeal from a judgment of conviction, pursuant to guilty plea, of first degree murder. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

On April 3, 2007, this court entered an order noting that although the district court entered the judgment of conviction in this matter on January 25, 2007, appellant did not file his notice of appeal until March 12, 2007, well beyond the 30-day appeal period provided in NRAP 4(b). Therefore, because an untimely notice of appeal fails to vest jurisdiction in this court to consider an appeal, this court directed appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction.

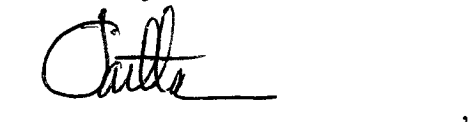
In response to our show cause order, appellant's counsel argues that this court should adopt the reasoning articulated in United States v. Sadler, a recent decision of the Ninth Circuit Court of Appeals, holding that although the untimely filing of an appeal in a federal criminal case may result in the forfeiture of the right to appeal when the Government objects to consideration of the appeal, the time constraints contained in the federal court rules relating to the filing of criminal

appeals are not "jurisdictional" requirements.<sup>1</sup> It is well-settled in Nevada, however, that the timely filing of a notice of appeal in a criminal case is a mandatory jurisdictional requirement and an essential prerequisite to the perfection of an appeal.<sup>2</sup> This court has consistently declined to deviate from this well-established holding. To the extent that the federal authority cited by appellant may support an argument that this court should revisit our firmly established law in this regard, we decline to follow it. Accordingly, we conclude that we lack jurisdiction to entertain this appeal and hereby

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Saitta

---

<sup>1</sup>United States v. Sadler, \_\_\_ F.3d \_\_\_, 207 WL 610976 (9th Cir. 2007).

<sup>2</sup>Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994); State v. Sant, 110 Nev. 748, 877 P.2d 545 (1994); Washington v. State, 104 Nev. 309, 756 P.2d 1191 (1988); Jordon v. Director, Dep't of Prisons, 101 Nev. 146, 696 P.2d 998 (1985); Scherer v. State, 89 Nev. 372, 513 P.2d 1232 (1973).

cc: Hon. Richard Wagner, District Judge  
State Public Defender/Carson City  
State Public Defender/Winnemucca  
Attorney General Catherine Cortez Masto/Carson City  
Pershing County District Attorney  
Pershing County Clerk