

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN CARLOS SANDERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51144

JOHN CARLOS SANDERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51145

FILED

MAY 08 2008

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEALS

These are consolidated appeals from “corrected judgments of conviction” entered by the district court on February 1, 2008. Second Judicial District Court, Washoe County; Brent T. Adams, Judge. These appeals are subject to the provisions of Nevada Rule of Appellate Procedure 3C.

Our preliminary review of these appeals revealed a jurisdictional defect. The original judgments of conviction were filed in the district court on December 19, 2007. The notices of appeal were filed in the district court on February 22, 2008, well after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹

¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

Although “corrected judgments of conviction” were subsequently entered on February 1, 2008, it did not appear that any amendments or corrections were made to the original judgments of conviction. And the corrected judgments expressly state that the judgments are “nunc pro tunc.”

The purpose of a nunc pro tunc order is “to make a record speak the truth concerning acts done” but it cannot be used to enlarge or in any manner substantially alter the rights of the parties under the original order.² Moreover, this court has recognized that the thirty-day appeal period prescribed by NRAP 4(b) may not be extended by the district court or by a stipulation of the parties.³ To the extent that the purpose of the entry of the corrected judgments of conviction was to alter the date of the original judgments of conviction, it was without effect.

Because it appeared that the notices of appeal were untimely filed, this court ordered appellant’s counsel to show cause why these appeals should not be dismissed for lack of jurisdiction. On March 31, 2008, appellant’s counsel filed a response. Appellant informs this court that corrections were made to the original judgments of conviction in the corrected judgments. Appellant agrees, however, that the corrections

²See Finley v. Finley, 65 Nev. 113, 118, 189 P.2d 334, 336 (1948), overruled on other grounds by Day v. Day, 80 Nev. 386, 395 P.2d 321 (1964).

³See Walker v. Scully, 99 Nev. 45, 657 P.2d 94 (1983); Scherer v. State, 89 Nev. 372, 374, 513 P.2d 1232, 1233-34 (1973); see also NRAP 26(b) (“the court may not enlarge the time for filing a notice of appeal”).

“truly were ‘nunc pro tunc,’” and concedes that this court does not have jurisdiction over these appeals.

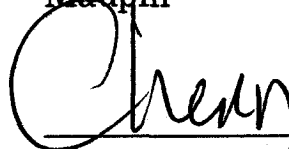
Having reviewed the documents submitted in these appeals, we conclude that the notices of appeal were untimely filed and we lack jurisdiction to consider these appeals. Accordingly, we

ORDER these appeals DISMISSED.



Maupin

J.



Cherry

J.



Saitta

J.

cc: Hon. Brent T. Adams, District Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk
John Carlos Sanders