

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK GLENN LAND,

No. 34757

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

JUL 06 2001

JANETTE M. BLOOM
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's post-conviction "petition to correct an illegal sentence."

On February 28, 1985, the district court convicted appellant, pursuant to a guilty plea, of three counts of attempted sexual assault. The district court sentenced appellant to serve three consecutive terms of 20 years in the Nevada State Prison. This court dismissed appellant's appeal from his judgment of conviction and sentence.¹ The remittitur issued on January 7, 1986.

On January 6, 1987, appellant filed a proper person petition for post-conviction relief pursuant to former NRS 177.315 in the district court. The district court appointed counsel and conducted an evidentiary hearing. The district

¹Land v. State, Docket No. 16422 (Order Dismissing Appeal, December 19, 1995).

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court denied the petition. On June 23, 1988, this court dismissed appellant's appeal.²

On February 12, 1992, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. The district court denied the petition. On July 9, 1993, this court dismissed appellant's appeal.³

On November 10, 1994 appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. The district court denied the petition. On December 6, 1994, appellant filed a proper person motion to withdraw a guilty plea in the district court. The district court denied the motion. On April 28, 1995, this court dismissed appellant's appeal.⁴

On June 19, 1995, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the

²Land v. State, Docket No. 18315 (Order Dismissing Appeal, June 23, 1988).

³Land v. State, Docket No. 24118 (Order Dismissing Appeal, July 9, 1993).

⁴Land v. State, Docket No. 26634 (Order Dismissing Appeal, April 28, 1995).

district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. The district court denied appellant's petition. Appellant did not appeal from the district court order.

On August 23, 1995, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. The district court denied the petition. On February 3, 1997, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. The district court denied the petition. On June 27, 1997, appellant filed a "motion for correction on case [due] to confusion of litigation in the district court. The district court denied the motion. This court dismissed appellant's subsequent appeals.⁵

On March 26, 1999, appellant filed a proper person "petition to correct an illegal sentence" in the district court. The State opposed the petition. On May 27, 1999, the district court denied appellant's petition to correct an illegal sentence. This appeal followed.⁶

⁵Land v. State, Docket Nos. 27715 and 30990 (Order Dismissing Appeals, August 27, 1998).

⁶In appellant's notice of appeal he stated that he was appealing from the denial of his petition to correct an illegal sentence. He stated that the district court denied his petition on August 3, 1999. Appellant is mistaken. The district court denied his petition on May 27, 1999.

Appellant's petition was essentially a motion to correct an illegal sentence pursuant to NRS 176.555 because it challenged the legality of his sentence. Our review of the record indicates that the judgment appealed from was entered on May 27, 1999. Appellant's notice of appeal was filed on August 27, 1999, well after the expiration of the thirty (30) day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.⁷ Accordingly, we conclude that we lack jurisdiction to consider this appeal. Accordingly, we

ORDER this appeal DISMISSED.⁸

Young J.
Young
Leavitt J.
Leavitt
Becker J.
Becker

cc: Hon. Sally L. Loehrer, District Judge
Attorney General
Clark County District Attorney
Frederick Glenn Land
Clark County Clerk

⁷See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994); see also Edwards v. State, 112 Nev. 704, 709, 918 P.2d 321, 325 (1996).

⁸We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.