

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS K. KIEREN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 34845

FILED

DEC 10 1999

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person notice of appeal from a jury verdict finding appellant guilty of first degree murder with the use of a deadly weapon. Our review of this appeal indicates that the notice of appeal was prematurely filed.

Specifically, on August 25, 1999, a jury found appellant guilty of one count of first degree murder with the use of a deadly weapon. On September 15, 1999, appellant filed the instant proper person notice of appeal from the jury verdict. The criminal court minutes indicate that the court scheduled sentencing for October 19, 1999.

Although NRS 177.015(3) provides that a defendant may appeal from a "final judgment or verdict in a criminal case" (emphasis added), this court's rules of appellate procedure do not contemplate the filing of an appeal from a verdict prior to sentencing and entry of a written judgment of conviction. For example, NRAP 4(b)(1) provides:

In a criminal case, the notice of appeal by a defendant shall be filed in the district court within thirty (30) days after the entry of the judgment or order appealed from. A notice of appeal filed after the announcement of a decision, sentence or order but before entry of the judgment or order shall be treated as filed after such entry and on the day thereof. . . . A judgment or order is entered within the meaning of this rule when it is signed by the judge and filed with the clerk.

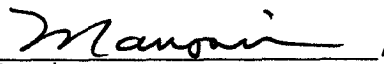
Moreover, NRS 176.105(1) requires that the judgment of conviction must set forth the plea, the verdict, the adjudication and sentence, and the amount of credit granted for time spent in confinement before conviction, if any.

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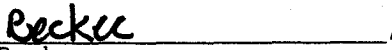
If this appeal is to proceed prior to sentencing and the entry of a judgment of conviction, no issues arising from the sentencing hearing may be raised. Rather, in order to vest jurisdiction in this court to review any potential issues relating to the imposition of the sentence, appellant must file a second notice of appeal after sentencing and the entry of the written judgment of conviction. In the interest of judicial economy, this court prefers not to allow appeals to proceed in such piecemeal fashion.

Accordingly, we dismiss this appeal without prejudice to appellant's right to file and perfect a timely appeal following the district court's pronouncement of the sentence and entry of a written judgment of conviction.

It is so ORDERED.


Maupin, J.


Shearing, J.


Becker, J.

cc: Hon. Ronald D. Parraguirre, District Judge
Attorney General
Clark County District Attorney
Special Public Defender
Dennis K. Kieren
Clark County Clerk