

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRY TROUGHTON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 34912

FILED

OCT 21 1999

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a jury verdict finding appellant guilty of one count of unlawful use or being under the influence of a controlled substance. Our preliminary review of this appeal has revealed that the notice of appeal was prematurely filed, and that, therefore, this court lacks jurisdiction to entertain this appeal.

Specifically, on August 24, 1999, a jury found appellant guilty of one count of unlawful use or being under the influence of a controlled substance. Based on our review of the documents submitted in this appeal, it appears that the district court has not yet sentenced appellant, nor has the district court entered a final, written judgment of conviction.

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) 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 subdivision when it is signed by the judge and filed with the clerk.

Moreover, NRS 176.105(b) 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. Therefore, appellant must be sentenced and a written judgment of conviction must be entered by the district court before an appeal will lie.

Appellant's notice of appeal was prematurely filed, and therefore, this court lacks jurisdiction to entertain this appeal. Accordingly, we order this appeal dismissed without prejudice to appellant's right to file and perfect a timely appeal following the district court's pronouncement of the sentence.

It is so ORDERED.

<u>Young</u>	J.
Young	
<u>Agosti</u>	J.
Agosti	
<u>Leavitt</u>	J.
Leavitt	

cc: Hon. Archie E. Blake, District Judge
Attorney General
Churchill County District Attorney
Paul Drakulich
Churchill County Clerk
Barry Troughton