

IN THE SUPREME COURT OF THE STATE OF NEVADA

HORACE CALVIN HOUSTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41714

FILED

AUG 15 2003

ORDER DISMISSING APPEAL

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

This is a proper person notice of appeal from a jury verdict finding appellant guilty of multiple felony counts. Our review of this appeal reveals that the notice of appeal was prematurely filed. Specifically, on June 25, 2003, the jury returned a guilty verdict for multiple felony counts. On July 1, 2003, prior to the district court's imposition of appellant's sentence, appellant filed the instant proper person notice of appeal from the verdict. The criminal court minutes indicate that the district court scheduled sentencing for August 14, 2003.

Although NRS 177.015(3) provides that a defendant may appeal from a "final judgment or verdict in a criminal case," 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

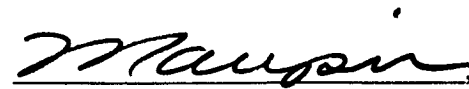
the meaning of this rule when it is signed by the judge and filed with the clerk.

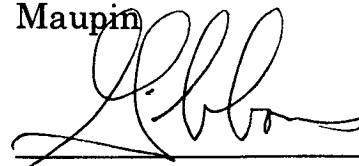
Moreover, NRS 176.105(1) requires that the judgment of conviction must set forth the plea, the verdict, the adjudication and sentence, and the amount of credit granted for time spent in confinement before conviction, if any.

Accordingly, we hereby

ORDER this appeal DISMISSED without prejudice to appellant's right to file a timely appeal from a final judgment of conviction and sentence.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Joseph T. Bonaventure, District Judge
Horace Calvin Houston
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Mueller & Associates
Clark County Clerk