IN THE SUPREME COURT OF THE STATE OF NEVADA

NEIL ANDY WEBB, Appellant, vs. THE STATE OF NEVADA, Respondent. No. 42855

FILED

MAR 2 3 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOM CLEAK OF SUPREME COURT BY CHEF DEPUTY CLERK

This is a proper person appeal from a jury verdict finding appellant guilty of escape.

On January 30, 2004, a jury found appellant guilty of one count of escape; the district court scheduled a sentencing hearing for March 8, 2004. On February 23, 2004, appellant filed a proper person notice of appeal, prior to the sentencing hearing and the entry of a written judgment of conviction.

Although NRS 177.015(3) provides that a defendant may appeal from a "final judgment or <u>verdict</u> 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.

JUPREME COURT OF NEVADA (Emphasis added.) Moreover, under NRS 176.105(1), the written 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, because this appeal was filed prior to the district court's announcement of a sentencing decision and prior the entry of a written judgment of conviction, we conclude that the appeal is premature.

Accordingly, we

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

C.J. Shearing J. Rose

J.

Maupin

cc: Hon. Stewart L. Bell, District Judge Neil Andy Webb Clark County Public Defender Attorney General Brian Sandoval/Carson City Clark County District Attorney David J. Roger Clark County Clerk

JUPREME COURT OF NEVADA