

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIO CESAR ROSADO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60831

FILED

JUN 01 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malala
DEPUTY CLERK

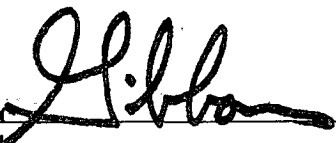
ORDER DISMISSING APPEAL

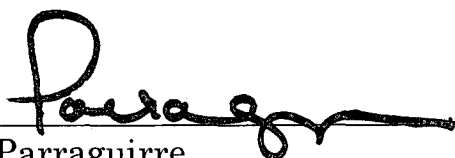
This is an appeal from a district court order denying a motion for credit against sentence and amended judgment of conviction. Eighth Judicial District Court, Clark County; Doug Smith, Judge. Review of the district court minute entries indicate that no written order resolving the motion for credit against sentence has been filed. See Allgood v. State, 78 Nev. 326, 328, 372 P.2d 466, 467 (1962) (appellate jurisdiction not invoked when notice of appeal filed before final judgment). We lack jurisdiction to consider this appeal. To the extent appellant is attempting to appeal from the second amended judgment of conviction entered on February 18, 2012, the appeal is untimely because the notice of appeal was filed in the district court on May 7, 2012, well after the 30-day appeal period prescribed by NRAP 4(b). See Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (“[A]n untimely notice of appeal fails to vest jurisdiction in this court.”). To the extent appellant is attempting to appeal from a district court order denying the post-conviction petition for a writ of habeas corpus, review of the district court minute and docket

entries indicate that the district court has neither made an oral ruling nor entered a written order resolving the petition. Therefore, we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Doug Smith, District Judge
McDonald & Judd Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Julio Cesar Rosado