

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARON MORRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84393

FILED

MAR 30 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This appeal was initiated by the filing of a pro se notice of appeal.

On March 11, 2022, appellant filed a notice of appeal in district court case number C-13-287414-4. However, this court's review of this appeal reveals jurisdictional defects. First, the notice of appeal was untimely filed from the judgment of conviction and amended judgment of conviction. The judgment of conviction was entered on November 29, 2017, and the amended judgment of conviction was entered on April 25, 2018. Appellant did not file the notice of appeal, however, until March 11, 2022, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b). *See Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (explaining that an untimely notice of appeal fails to vest jurisdiction in this court). Second, to the extent that appellant's appeal is in regard to the postconviction petition for a writ of habeas corpus filed in related district court case number A-22-849796-W, that district court case number was not designated in this notice of appeal. *See NRAP 3(c)(1)(B)* (requiring a notice of appeal to "designate the judgment, order or part thereof being appealed"). Lastly, no decision had been made on the petition when appellant filed his

appeal, and thus, appellant's notice of appeal from the habeas corpus petition is premature. See NRS 177.015(3) (stating that a defendant only may appeal from a final judgment or verdict). Accordingly, this court

ORDERS this appeal DISMISSED.¹

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 10
Daron Morris
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Appellant may file an appeal from the related district court case number A-22-849796-W when the district court enters a final order resolving that petition.