

IN THE SUPREME COURT OF THE STATE OF NEVADA

DERRICK DEWAYNE JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49218

**FILED**

AUG 02 2007

ORDER DISMISSING APPEAL

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY A. Alvarado  
DEPUTY CLERK

This is an appeal from an amended judgment of conviction, pursuant to a guilty plea, of one count of statutory sexual seduction. Eighth Judicial District Court, Clark County; James A. Brennan, Senior Judge.

The amended judgment was entered by the district court on February 22, 2007. The notice of appeal was filed on March 29, 2007, after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup>

On April 25, 2007, this court ordered the Clark County Public Defender to show cause why this appeal should not be dismissed for lack of jurisdiction. It appeared possible that appellant delivered the notice of appeal to a prison official for mailing in a timely fashion and that this court may have jurisdiction over this appeal.<sup>2</sup>

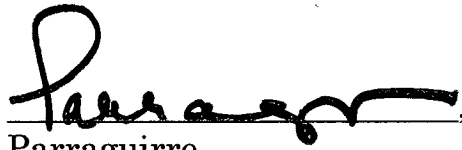
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<sup>1</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

<sup>2</sup>See Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992) (notice of appeal shall be deemed to have been filed on the date delivered to prison official).

On June 25, 2007, Deputy Public Defender Howard S. Brooks filed a response to this court's order to show cause. In the response, Brooks states that, according to a prison librarian, the outgoing mail log indicates that appellant delivered mail to prison officials on March 27, 2007, which is after the expiration of the thirty-day appeal period. Accordingly, we conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Saitta

cc: Chief Judge, Eighth Judicial District  
Hon. James A. Brennan, Senior Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk  
Derrick Dewayne Jackson