

IN THE SUPREME COURT OF THE STATE OF NEVADA

MOUNIR A. KUBLAWI A/K/A TOUNI
ALEXANDER KARKAWI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50639

FILED

MAR 27 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count each of forgery and possession of a credit card without cardholder's consent. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

Our preliminary review of this appeal revealed a jurisdictional defect. In particular, the judgment of conviction was filed on December 7, 2006. The notice of appeal was filed in the district court on December 4, 2007, well after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹

Accordingly, on December 17, 2007, this court ordered appellant's counsel Howard Brooks to show cause why this appeal should be dismissed for lack for jurisdiction. On December 31, 2007, counsel for appellant filed a response to the order to show cause. On February 19, 2008, this court ordered Brooks to file a supplemental response indicating

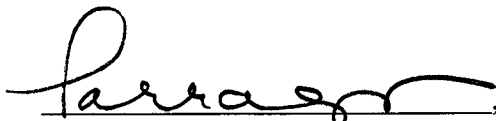
¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).


whether appellant submitted a notice of appeal to prison officials prior to the expiration of the 30-day appeal period.² On March 10, 2008, Brooks filed a supplemental response. In the supplemental response, Brooks informs this court that there is no record in the prison's notice of appeal log that appellant delivered a notice of appeal to a prison official within the 30-day appeal period. Therefore, the December 4, 2007, filing date of the notice of appeal in the district court controls.

Having reviewed the record and determined that appellant's notice of appeal was untimely filed, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

²See Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992) (notice of appeal shall be deemed filed on the date it is delivered to a prison official).

cc: Hon. Stewart L. Bell, District 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
Mounir A. Kublawi