

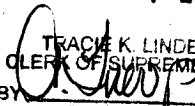
IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE GUADALUPE PEREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54878

FILED

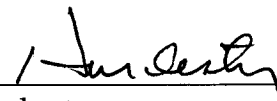
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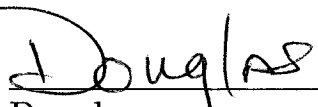
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CLERK OF SUPREME COURT
BY 
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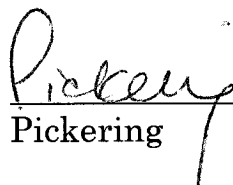
ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of principal to trafficking in a controlled substance. Second Judicial District Court, Washoe County; Jerome Polaha, Judge. The notice of appeal was not filed until November 4, 2009, more than 30 days after the judgment of conviction was entered on October 1, 2009. Further, appellant's counsel informs this court that there is no record that appellant delivered the notice of appeal to a prison official within the relevant appeal period. See Kellogg v. Journal Communications, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992) (a notice of appeal is deemed "filed" when it is delivered to a prison official). Accordingly, the notice of appeal was not timely filed, NRAP 4(b), and we lack jurisdiction. 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."). We therefore

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Jerome Polaha, District Judge
Scott W. Edwards
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk