

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHON JAY WOOTEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55301

FILED

MAR 11 2010

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a plea of no contest, of trafficking in a controlled substance. Third Judicial District Court, Churchill County; William Rogers, Judge. The notice of appeal was not filed until January 20, 2010, more than 30 days after the judgment of conviction was entered on November 10, 2009. Appellant's counsel has submitted documentation establishing that appellant delivered the notice of appeal to prison officials for mailing on December 16, 2009. Because the notice of appeal was not delivered to a prison official for filing within the relevant appeal period, we conclude that the notice of appeal was not timely filed. See NRS 4(b)(1)(A) (notice of appeal shall be filed within 30 days after entry of the judgment); 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).

Therefore, we conclude we lack jurisdiction to consider this appeal, see
Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), and we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. William Rogers, District Judge
Churchill County Public Defender
Attorney General/Carson City
Churchill County District Attorney
Churchill County Clerk
Stephon Jay Wooten