

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON D. SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55649

FILED

JUN 09 2010

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order revoking probation and amended judgment of conviction. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge. The notice of appeal was not filed until March 17, 2010, more than 30 days after the order was entered on February 11, 2010. The documents filed in this appeal establish that appellant did not send any legal mail through the law library during the relevant appeal period.¹ Accordingly, we conclude that the notice of appeal was not timely filed. See NRAP 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).

¹The clerk of this court shall file the proper person notice received on May 10, 2010.

Therefore, 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.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Elissa F. Cadish, District Judge
Joseph P. Reiff
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Brandon D. Smith