

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARL JEROME MAYS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56247

**FILED**

SEP 09 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 guilty plea, of battery with substantial bodily harm. Eighth Judicial District Court, Clark County; Jackie Glass, Judge. We conclude that the notice of appeal was not timely filed because it was not delivered to a prison official for mailing until June 14, 2010, beyond the appeal period prescribed by NRAP 4(b). 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, we lack jurisdiction to consider this appeal, see Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), and therefore

ORDER this appeal DISMISSED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Jackie Glass, District Judge  
The Eighth District Court Clerk  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Public Defender  
Carl Jerome Mays