

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR MANZO A/K/A VICTOR  
MANUEL MANZO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56642

**FILED**

**JAN 13 2011**

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 transport of a controlled substance and possession of a controlled substance with intent to sell. Eighth Judicial District Court, Clark County; David B. Barker, Judge. The notice of appeal was not filed until August 13, 2010, after the expiration of the 30-day appeal period prescribed by NRAP 4(b), and the notice of appeal was not postmarked within the relevant appeal period,<sup>1</sup> see Kellogg v. Journal Communications, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992). We lack

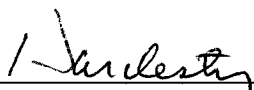
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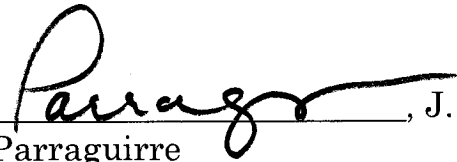
<sup>1</sup>The Attorney General has informed this court that appellant was housed at the Clark County Detention Center during the relevant appeal period and the CCDC does not maintain a mail log. Because appellant did not date the notice of appeal and no mail log is available to establish when, or if, appellant delivered the notice of appeal to correction officials, we relied on the post-mark for determining whether the notice of appeal should be deemed timely.

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

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. David B. Barker, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk