

IN THE SUPREME COURT OF THE STATE OF NEVADA

BILLY CEPERO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57061

FILED

MAR 17 2011

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


ORDER DISMISSING APPEAL

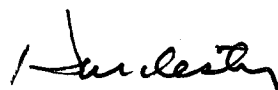
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of resisting a public officer, discharging a firearm within a structure, carrying a concealed weapon or other deadly weapon, and possession of a firearm by an ex-felon. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

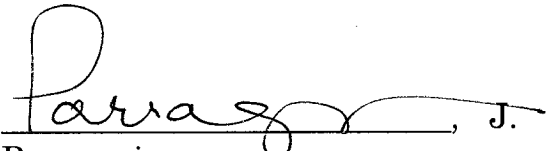
Because it appeared that the notice of appeal was not timely filed, we directed appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, appellant's counsel informs this court that he was not served with a copy of the judgment of conviction and the district court's online docket entries do not reflect that a judgment of conviction was filed. However, a judgment of conviction was signed by the judge and filed by the district court on August 27, 2010. The notice of appeal was filed on October 21, 2010, more than 30 days after entry of the judgment. See NRAP 4(b)(4). Because the notice of appeal was not timely filed, NRAP 4(b)(1), (4), we lack jurisdiction to consider this appeal. NRAP 26(b)(1)(A) (this court may not extend time to file notice of

appeal except as provided in NRAP 4(c)); Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Therefore, we

ORDER this appeal DISMISSED.¹


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. David B. Barker, District Judge
Sanft Law, P.C.
Thomas Michaelides
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Billy Cepero

¹To assert an appeal deprivation claim, appellant must file a timely petition for a writ of habeas corpus in accordance with the provisions of NRS 34.720 to 34.830. NRAP 4(c)(1)(A). We express no opinion as to the merits of any such claim.