

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAKSMI NASHRINGA BRAITHWAITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61459

FILED

NOV 20 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal “for post conviction habeas corpus.” Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

Our review of the district court docket entries indicates that no post-conviction petition for a writ of habeas corpus has been filed or resolved in the district court. To the extent that appellant is attempting to appeal from the judgment of conviction, the notice of appeal was filed in the district court after the expiration of the 30-day appeal period prescribed by NRAP 4(b) and appellant has failed to demonstrate that he delivered the notice of appeal to a prison official for mailing within the relevant appeal period. See Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (“[A]n untimely notice of appeal fails to vest jurisdiction in this court.”); Kellogg v. Journal Communications, 108 Nev. 474, 477, 835

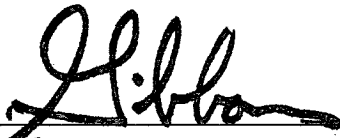
P.2d 12, 13 (1992) (a notice of appeal is deemed "filed" when it is delivered to a prison official for filing). Therefore, we lack jurisdiction and we

ORDER this appeal DISMISSED.



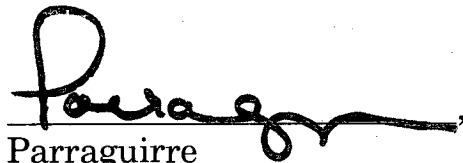
Douglas

, J.



Gibbons

, J.



Parraguirre

, J.

cc: Hon. Kimberly A. Wanker, District Judge
Gibson & Kuehn
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk
Laksmi Nashringa Braithwaite