

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONALD RAY DELONEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63032

FILED

JUN 13 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angerou
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery with the use of a deadly weapon. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

The judgment of conviction was filed on March 11, 2013. Because the notice of appeal was filed in the district court on April 11, 2013, one day beyond the relevant appeal period, *see* NRAP 4(b)(1)(A), and appellant has failed to demonstrate that he delivered the notice of appeal to a prison official for mailing on or before the expiration of the appeal period, *see Kellogg v. Journal Communications*, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992), we conclude that the notice of appeal was not timely filed. Therefore, we lack jurisdiction, *see Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) and we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Robert W. Lane, District Judge
McDonald Adras LLC
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk
Donald Ray Deloney