

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRANCE DAVIS A/K/A TERRANCE
ALEXANDER DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63260

FILED

JUL 01 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Malone*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary while in possession of a deadly weapon and obtaining money under false pretenses. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

The judgment of conviction was filed on April 18, 2013. The notice of appeal was filed on May 22, 2013, two days beyond the relevant appeal period. *See* NRAP 4(b)(1)(A). Appellant's counsel informs this court that it appears appellant did not utilize the prison law library to mail the notice of appeal; rather it appears that appellant mailed the notice of appeal directly to the district court on May 21, 2013. Because the notice of appeal was not timely filed in the district court and appellant has failed to demonstrate that he delivered the notice of appeal to a prison official for mailing on or before May 20, 2013, *see Kellogg v. Journal Communications*, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992) (holding that a

notice of appeal is deemed "filed" when delivered to a prison official), we lack jurisdiction, and we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Michael Villani, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Terrance Davis