

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSIE MATTHEW DIAZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63365

FILED

AUG 01 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malore
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

The judgment of conviction was entered on May 2, 2013. We lack jurisdiction because the notice of appeal was not filed until June 10, 2013, seven days beyond the expiration of the 30-day appeal period prescribed by NRAP 4(b)(1)(A), see NRAP 26(a)(3); *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), therefore we

ORDER this appeal DISMISSED.¹

J. Hardesty, J.
Hardesty

P. Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

¹To the extent that appellant asserts he has a valid appeal deprivation claim, such a claim must be raised in accordance with NRAP 4(c)(1) by filing a timely post-conviction petition for a writ of habeas corpus in the district court in the first instance.

cc: Hon. Patrick Flanagan, District Judge
Jessie Matthew Diaz
Fry & Berning, LLC
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk