

IN THE SUPREME COURT OF THE STATE OF NEVADA

WALTER KANEEKI CLARK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66671

FILED

NOV 12 2014

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of murder with the use of a deadly weapon and attempt murder with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

The judgment of conviction was entered on July 28, 2014. The notice of appeal in this matter was filed on October 9, 2014, well beyond the expiration of the 30-day appeal period prescribed by NRAP 4(b). Counsel for appellant asserts in the notice of appeal that a “[t]imely Notice of Appeal was sent for filing August 12, 2014 to all interested parties,” but that she was not aware until October 9, 2014, that the district court had failed to file the notice of appeal. Counsel further asserts that “[u]pon notification [she] immediately contacted Chambers and The District Court Clerk’s Office, representing that the instant Notice of Appeal would immediately be filed and should be considered timely.”

“[A]n untimely notice of appeal fails to vest jurisdiction in this court,” *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), and we cannot “extend the time to file a notice of appeal except as provided in [NRAP] 4(c),” NRAP 26(b)(1)(A). Here, the notice of appeal was not timely filed. It also does not appear that the notice of appeal sent for filing on

August 12, 2014, or was mistakenly filed in this court rather than the district court such that the notice would be considered filed in the district court on the date that it was received in this court as provided in NRAP 4(e); rather, a courtesy copy of the August 12, 2014, notice of appeal was sent to this court. Because the notice of appeal was not timely filed, we lack jurisdiction and we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Jerome T. Tao, District Judge
Law Office of Lisa Rasmussen
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Walter Kaneeki Clark