

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN J. HANN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66910

FILED

JAN 20 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.


This court's preliminary review of this appeal revealed a potential jurisdictional defect. Specifically, the district court entered the order denying appellant's petition on September 16, 2014, and the clerk of the district court served notice of entry of that order via mail on September 22, 2014. Appellant's notice of appeal was due on October 27, 2014. See NRAP 34.575; NRAP 26. Appellant's notice of appeal, however, was not filed in the district court until November 18, 2014, 22 days beyond the relevant appeal period. "[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).

Appellant signed his notice of appeal on October 17, 2014. Because a notice of appeal properly delivered to prison officials in a timely fashion is sufficient to invoke this court's jurisdiction, this court directed the attorney general to obtain and transmit to this court a copy of any documents in the prison indicating the date upon which appellant


delivered his notice of appeal to prison officials. See NRAP 4(d). On January 2, 2015, the attorney general timely filed a response.

The documents provided by the attorney general indicate that appellant delivered his notice of appeal to a prison official for filing on November 10, 2014, 14 days beyond the relevant appeal period. Because appellant's notice of appeal was untimely filed, we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.



Saitta J.



Gibbons J.



Pickering J.

cc: Hon. Douglas W. Herndon, District Judge
Steven J. Hann
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk