

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMARR DUQUIR JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69429

FILED

APR 11 2016

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

This court's preliminary review of this appeal revealed a potential jurisdictional defect. The judgment of conviction was entered on November 5, 2015. However, the notice of appeal was not filed in the district court until December 15, 2015, eight days after expiration of the 30-day appeal period. See NRAP 4(b)(1)(A); NRAP 26(a)(3). See *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (“[A]n untimely notice of appeal fails to vest jurisdiction in this court.”).

If appellant delivered his notice of appeal to a prison official for mailing on or before December 7, 2015, his notice of appeal would be deemed timely filed. NRAP 4(d). Because appellant signed his notice of appeal on December 7, 2015, we directed appellant's counsel to obtain and transmit a copy of the notice of appeal log. Counsel has now submitted a copy of that log.

In order to receive the benefit of NRAP 4(d), an inmate must use the notice of appeal log or another system designed for legal mail. The notice of appeal log does indicate when appellant delivered the notice of appeal to a prison official for filing and there is no indication that

appellant utilized another system designed for legal mail. Accordingly, the December 15, 2015, filing date of the notice of appeal in the district court controls, and we

ORDER this appeal DISMISSED.¹

Hardesty, J.
Hardesty

Saitta, J.
Saitta

Pickering, J.
Pickering

cc: Hon. Richard Scotti, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Lamarr Duquir Johnson

¹Appellant's motion for extension of time to file the transcript request form is denied as moot. The clerk shall return the transcript request form received on January 8, 2016, unfiled.