

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMERA LEGADOS CORTES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73246

FILED

OCT 23 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Tenth Judicial District Court, Churchill County; Thomas L. Stockard, Judge.

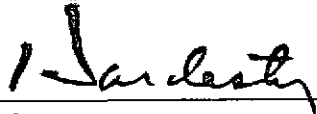
When our review of this appeal revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the notice of appeal was untimely filed. Although the judgment of conviction was entered on May 2, 2017, the notice of appeal was not filed in the district court until June 6, 2017, five days after the expiration of the 30-day appeal period of NRAP 4(b)(1).

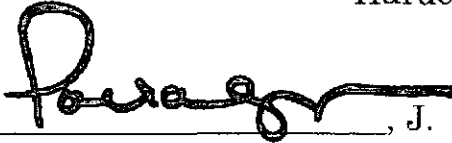
In response, appellant's counsel indicates that he calendared the due date for the notice of appeal utilizing NRCP 6(e), which grants a party an additional 3 days after service by mail or electronic means. Counsel also indicates that he calendared the due date based on the date the judgment of conviction was mailed instead of the date it was entered. On this basis, counsel asks that the appeal be allowed to proceed.

The NRCP are inapplicable to this criminal appeal. *See* NRCP 1. Moreover, we are unable to extend the time to file the notice of appeal based on counsel's errors. *See* NRAP 26(b)(1)(A) ("[T]he court may not extend the time to file a notice of appeals except as provided in Rule 4(c)").

As the notice of appeal was untimely filed, we lack jurisdiction over this appeal, *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.”), and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Thomas L. Stockard, District Judge
Evenson Law Office
Jamera Legados Cortes
Attorney General/Carson City
Churchill County District Attorney/Fallon
Churchill County Clerk