

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD EARL WILLIAMS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36744

FILED

NOV 15 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of statutory sexual seduction. The judgment was entered by the district court on July 31, 2000. The notice of appeal was filed on September 7, 2000, after the thirty-day appeal period prescribed by NRAP 4(b). It appeared possible that appellant's notice of appeal might be deemed timely filed. See Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992) (notice of appeal shall be deemed filed on the date it is delivered to a prison official).

On September 28, 2000, this court ordered counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. On October 19, 2000, counsel for appellant filed a response to our order indicating that appellant delivered his notice of appeal to a prison official on August 31, 2000, one day after the expiration of the thirty-day appeal period. An untimely notice of appeal fails to vest jurisdiction in this court. See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994). Accordingly, we conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal dismissed.

Shearing

Shearing J.

Agosti

Agosti J.

Leavitt

Leavitt J.

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk