

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN A/K/A
STEVEN SAMUEL JALBERT,

No. 36948

Appellant,

FILED

vs.

FEB 09 2001

THE STATE OF NEVADA,

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

Respondent.


ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of attempted possession of stolen property. The judgment was entered by the district court on July 26, 2000. The notice of appeal was filed on August 31, 2000, after the thirty-day appeal period prescribed by NRAP 4(b). 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, on December 20, 2000, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction.

On January 11, 2001, counsel for appellant filed a response to this court's order to show cause. In the response, counsel concedes that the notice of appeal was untimely filed, and that no independent evidence exists to prove that appellant delivered his notice of appeal into the hands of prison officials prior to the expiration of the

thirty-day appeal period. See Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992). We therefore conclude that we lack jurisdiction to entertain this appeal, and we

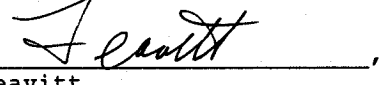
ORDER this appeal dismissed.¹



Shearing J.



Agosti J.



Leavitt J.

cc: Hon. Donald M. Mosley, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Steven Samuel Braunstein
Clark County Clerk

¹We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.