

IN THE SUPREME COURT OF THE STATE OF NEVADA

EMANUEL DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73420

FILED

SEP 25 2017

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

ORDER DISMISSING APPEAL

This is a direct appeal from a judgment of conviction. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

On July 26, 2017, this court issued an order directing 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. Appellant has filed a response to the order to show cause and respondent has filed a reply.

In his response, appellant concedes that his notice of appeal was untimely filed, but requests that this court allow this appeal to proceed based on a "Doctrine of Leniency." This court is unable to grant discretionary extensions of time to file notices of appeal. See NRAP 26(b)(1)(A) ("the court may not extend the time to file a notice of appeal except as provided in [NRAP] 4(c)"). An untimely notice of appeal fails to vest jurisdiction in this court. *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, and no cause appearing, we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Kimberly A. Wanker, District Judge
Mountain West Lawyers
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk