

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEENA CONTOIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70376

**FILED**

**AUG 10 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. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

When our initial review of this appeal revealed a jurisdictional defect, we ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, the notice of appeal was untimely filed. *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.”).

In response, counsel does not dispute that the notice of appeal was untimely filed. Instead, counsel represents that appellant sent her a letter dated April 8, 2016—before the expiration of the appeal period. Counsel argues that the letter should be treated as a notice of appeal and deemed timely under NRAP 4(d) where appellant submitted the letter to a prison official for mailing prior to the expiration of the appeal period.

Even if appellant's letter to counsel could be construed as a notice of appeal,<sup>1</sup> counsel does not demonstrate that the letter was given to

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<sup>1</sup>Counsel has not provided a copy of the letter to this court.

a prison official for mailing within the appeal period. Moreover, in order to receive the benefit of NRAP 4(d), an inmate must utilize the notice-of appeal log or other system for legal mail. Counsel does not even allege that appellant did so here. Accordingly, counsel fails to demonstrate that the notice of appeal was timely filed, or should be deemed timely filed under NRAP 4(d). We conclude that we lack jurisdiction and

ORDER this appeal DISMISSED.

Cherry J.  
Cherry

Douglas J.  
Douglas

Gibbons J.  
Gibbons

cc: Hon. Kimberly A. Wanker, District Judge  
Law Office of Lisa Chamlee, Ltd.  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk  
Keena Contois