

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRAIG ALLEN RODGERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79714

**FILED**

NOV 25 2019

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. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

This court's preliminary review of this appeal revealed a jurisdictional defect. Specifically, the district court entered the judgment of conviction on August 23, 2019. Appellant did not file the notice of appeal, however, until September 24, 2019, one day after the expiration of the 30-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 October 8, 2019, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. In response, counsel concedes that the notice of appeal was untimely, but asks this court to allow the appeal to proceed under NRAP 4(c).<sup>1</sup> An appeal deprivation claim may be raised in a timely-filed postconviction petition for a writ of habeas corpus. NRAP 4(c); NRS 34.726; *Lozada*, 110 Nev. at 359,

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<sup>1</sup>Notwithstanding its untimeliness and cause appearing, the motion for an extension of time to file a response to this court's order to show cause is granted. The response was filed on October 30, 2019.

871 P.2d at 950. Because the notice of appeal was untimely filed, this court lacks jurisdiction to entertain this appeal and

ORDERS this appeal DISMISSED.

*J. Hardesty*, J.  
Hardesty

*Stiglich*, J.  
Stiglich

*Silver*, J.  
Silver

cc: Hon. Susan Johnson, District Judge  
Law Offices of John P. Parris  
Attorney General/Carson City  
Clark County District Attorney  
Craig Allen Rodgers  
Eighth District Court Clerk