

IN THE SUPREME COURT OF THE STATE OF NEVADA

DERRICK GARY FAIR, A/K/A GARY  
DERRICK FAIR,

Appellant,

vs.

THE STATE OF NEVADA,  
Respondent.

No. 79965

**FILED**

JAN 06 2020

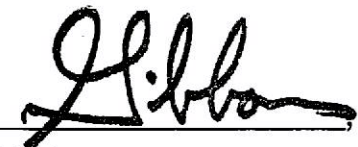
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a purported district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

This court's review of this appeal reveals a jurisdictional defect. The documents before this court do not indicate that a postconviction petition for a writ of habeas corpus has been filed in district court case number C-16-319960-1, the district court case number designated in the appeal. Thus, the notice of appeal is premature. *See* NRS 177.015(3). To the extent that appellant's appeal is in regard to the order denying a motion to modify sentence entered on January 29, 2018, the notice of appeal was untimely filed. *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994). Accordingly, this court

ORDERS this appeal DISMISSED.

 J.  
Gibbons

 J.  
Stiglich

 J.  
Silver

cc: Hon. Valerie Adair, District Judge  
Derrick Gary Fair  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk