

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY JAMES MONTTOYA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90437

FILED

MAY 06 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction entered in the district court on February 6, 2025. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

The notice of appeal was filed in the district court on April 9, 2025, well after expiration of the 30-day appeal period on March 10, 2025. See NRAP 4(b); NRAP 26(a)(1)(C). However, appellant dated the notice of appeal February 21, 2025—within the appeal period. Pursuant to NRAP 4(d), if appellant delivered his notice of appeal to a prison official for mailing within the appeal period (by March 10, 2025), his appeal is timely.

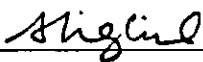
Accordingly, this court ordered appellant's counsel to obtain and transmit to the clerk of this court a certified copy of the notice of appeal log or other log maintained at the prison indicating the actual date appellant delivered his notice of appeal to a prison official. Counsel has filed a response and a copy of the notice of appeal log indicating that appellant delivered his notice of appeal to a prison official on March 17, 2025. Because appellant delivered his notice of appeal to a prison official after expiration of the appeal period, it is not timely under NRAP 4(d).

We lack jurisdiction over the untimely notice of appeal, 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."), and therefore

ORDER this appeal DISMISSED.


_____, C.J.
Herndon


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Tammy Riggs, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk