

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY LARA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89965

FILED

MAY 16 2025

ELIZABETH A. BROOKS
CLERK OF SUPREME COURT

BY 
DEPUTY CLERK


ORDER DISMISSING APPEAL

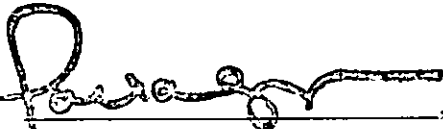
This is a pro se appeal from a district court order denying a postconviction motion for modification of sentence. Eighth Judicial District Court, Clark County; Danielle K. Pieper, Judge.

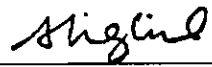
On February 5, 2025, this court entered an order noting a potential jurisdictional defect as the notice of appeal may have been untimely filed. The order directed the attorney general to obtain and transmit to the clerk of this court a certified copy of the notice of appeal log maintained at the prison, or any other prison log or system designed for legal mail and used by appellant, indicating the actual date upon which appellant delivered to a prison official his notice of appeal. On May 6, 2025, respondent filed a Certificate of Custodian of Records and a copy of the prison's legal mail outgoing log.¹ The log indicates that appellant delivered the notice of appeal to a prison official for mailing on January 8, 2025, two days beyond the 30-day appeal period and it was therefore untimely filed. NRAP 4(b)(1), (d); *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.”); *see also Kellogg v. Journal Commc'ns*, 108 Nev. 474, 477, 835 P.2d

¹Respondent's April 22, 2025, motion for an extension of time to file a response to this court's February 5, 2025, order is granted.

12, 13 (1992) (holding that a notice of appeal is deemed "filed" when it is delivered to a prison official). Accordingly, this court lacks jurisdiction and
ORDERS this appeal DISMISSED.


_____, C.J.
Herndon


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Danielle K. Pieper, District Judge
Jerry Lara
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk