

IN THE SUPREME COURT OF THE STATE OF NEVADA

ENRIQUE BEAS-CORCHADO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38579

FILED

AUG 15 2002

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of trafficking in a controlled substance. The judgment of conviction was entered by the district court on August 31, 2001. The notice of appeal was filed on October 2, 2001, after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹

Because appellant apparently signed the notice of appeal before the expiration of the appeal period, it appeared possible that the notice of appeal was delivered to prison officials within the thirty (30) day period, and might therefore be timely.²

On June 28, 2002, this court ordered the attorney general to obtain and transmit copies of any available prison records indicating the actual date upon which appellant delivered his notice of appeal to a prison official. On July 26, 2002, the attorney general filed a response. Attached to the response is a copy of the prison notice of appeal log. There is no

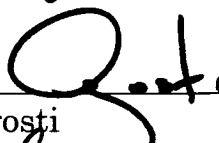
¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).


²Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992) (notice of appeal shall be deemed filed on the date it is delivered to a prison official).

entry showing that appellant delivered his notice of appeal to prison officials before the expiration of the thirty-day appeal period. We therefore conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Steven P. Elliott, District Judge
Paul C. Giese
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk