

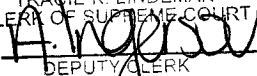
IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER KEITH BOWERS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61104

FILED

AUG 17 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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DEPUTY CLERK

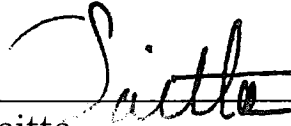
ORDER DISMISSING APPEAL


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of aggravated stalking. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

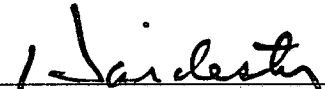
The notice of appeal was filed in the district court June 19, 2012, five days after the expiration of the relevant appeal period. See NRAP 4(b)(1)(A). Because it appeared that appellant may have delivered his notice of appeal to a prison official before the expiration of the relevant appeal period, on June 25, 2012, we directed appellant's counsel to provide this court with a copy of the notice of appeal log or other mail log maintained by the prison indicating the actual date upon which appellant delivered his notice of appeal to a prison official. See Kellogg v. Journal Communications, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992) (providing that a notice of appeal is deemed "filed" when it is delivered to a prison official). Although we granted appellant's counsel additional time to obtain the relevant documentation and respond to the order to show cause, counsel has not filed a response. Because appellant has failed to demonstrate that he delivered his notice of appeal to a prison official within the relevant appeal period, we lack jurisdiction, 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 we

ORDER this appeal DISMISSED.¹


Saitta, J.


Pickering, J.


Hardesty, J.

cc: Hon. Steven P. Elliott, District Judge
Lee T. Hotchkin, Jr.
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk
Christopher Keith Bowers

¹In light of this order, no action will be taken on appellant's counsel's motion to withdraw as counsel in this appeal.