

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONALD MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62950

FILED

JUN 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

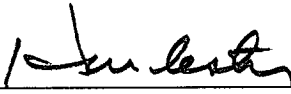
ORDER DISMISSING APPEAL

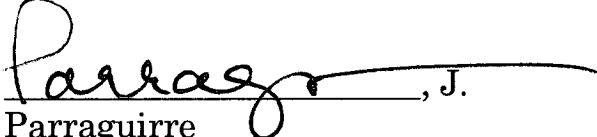
This is an appeal from a judgment of conviction entered pursuant to a guilty plea of battery by an inmate with a deadly weapon causing substantial bodily harm. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

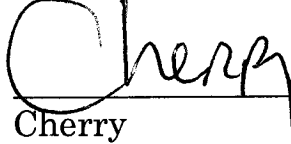
Because it appeared that the notice of appeal was not timely filed, we ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant's counsel claims that the notice of appeal was timely filed because it was filed within 30 days of entry of the notice of entry of the judgment of conviction. Appellant's counsel is mistaken. The time for filing a notice of appeal from a judgment of conviction commences from the date the judgment of conviction is filed in the district court, not from the notice of entry. See NRAP 4(b)(1) ("[T]he notice of appeal by a defendant or petitioner in a criminal case shall be filed with the district court clerk within 30 days after the entry of the judgment."); NRAP 4(b)(4) ("A judgment or order is entered for purposes of this Rule when it is signed by the judge and filed with the clerk."). Because the judgment of conviction was entered on March 4, 2013, to be timely, the notice of appeal had to be filed in the

district court by April 3, 2013. The notice of appeal, however, was not filed until April 5, 2013, two days after the expiration of the appeal period prescribed by NRAP 4(b)(1). Because the notice of appeal was not timely filed, we lack jurisdiction and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Steve L. Dobrescu, District Judge
Elko County Public Defender
Attorney General/Ely
White Pine County Clerk