


IN THE SUPREME COURT OF THE STATE OF NEVADA

CLINTON JOEL GODAC,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79203

FILED

NOV 06 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a judgment of conviction. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

The judgment of conviction was entered on June 10, 2019; therefore, the notice of appeal was due by July 10, 2019. *See* NRAP 4(b). The notice of appeal was untimely filed on July 16, 2019. Because appellant signed the notice of appeal on June 20, 2019, it appeared that if he had delivered the notice of appeal to a prison official on or before July 10, 2019, the appeal would be timely. *See Kellogg v. Journal Communications*, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992). Accordingly, on August 14, 2019, this court entered an order directing the attorney general to obtain and transmit a certified copy of the prison appeal log to verify the actual date on which appellant delivered his notice of appeal to a prison official.

The attorney general has responded and provided the relevant prison mail logs. It appears that appellant submitted the notice of appeal to a prison official on July 11, 2019, one day late.

Accordingly, this court lacks jurisdiction over the 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

ORDERS this appeal DISMISSED.

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Hon. Connie J. Steinheimer, District Judge
Clinton Joel Godac
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk