

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES MICHAEL WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

JAMES MICHAEL WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82477

FILED

MAR 17 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

No. 82478

BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEALS

These are pro se appeals from judgments of conviction. Tenth Judicial District Court, Churchill County; Thomas L. Stockard, Judge.


Preliminary review of these appeals revealed a potential jurisdictional defect. The district court entered the judgments of conviction on January 5, 2021. Thus, appellant's notices of appeal were due to be filed in the district court by February 4, 2021. See NRAP 4(b)(1)(A) (providing that a notice of appeal must generally "be filed with the district court clerk within 30 days after the entry of the judgment or order being appealed"). However, the notices of appeal were not filed in the district court until February 11, 2021, 7 days after expiration of the 30-day appeal period.

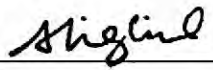
Appellant dated his notices of appeal January 25, 2021. Pursuant to NRAP 4(d), if appellant delivered his notices of appeal to a prison official for mailing on or before February 4, 2021, and utilized the notice-of-appeal log or other system designed for legal mail, his notices of appeal would be deemed timely filed. Because this court could not

determine from the documents before it whether the notices of appeal should be deemed timely, this court ordered the attorney general to obtain and transmit to the clerk of this court certified copies of the notice of appeal log maintained at the prison indicating the actual date upon which appellant delivered to a prison official his notices of appeal.

The attorney general has now provided this court with responses, a copy of the notice-of-appeal log, and an affidavit from the law library supervisor at Northern Nevada Correctional Center. These documents indicate that appellant presented his notices of appeal for filing and signed the notice-of-appeal log on February 5, 2021, after expiration of the 30-day appeal period. Accordingly, appellant's notices of appeal were untimely filed and this court lacks jurisdiction to consider these appeals. *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.”). We therefore

ORDER these appeals DISMISSED.


Parraguirre, J.


Stiglich, J.


Silver, J.

cc: Hon. Thomas L. Stockard, District Judge
James Michael White
Attorney General/Carson City
Churchill County District Attorney/Fallon
Churchill County Clerk