

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEVEYOUS EUGENE CORSEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86913

FILED

NOV 13 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL


This is an appeal from an amended judgment of conviction pursuant to a guilty plea. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

This court's preliminary review of this appeal indicated that appellant's notice of appeal was filed 3 days after the 30-day time period set by NRAP 4(b). It appeared that appellant signed the notice of appeal on May 17, 2023. The district court entered the amended judgment of conviction on May 31, 2023; the notice of appeal, however, was not filed until July 3, 2023, 3 days beyond the relevant appeal period. "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, this court entered an order directing the attorney general to obtain and transmit a copy of the notice of appeal log maintained at the prison indicating the actual date upon which appellant delivered the notice of appeal to a prison official pursuant to NRAP 4(d). *See also Kellogg v. Journal Communications*, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992) (holding that a notice of appeal is deemed "filed" when it is delivered to a prison official).

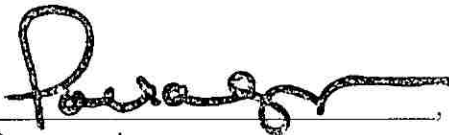
The attorney general has responded and informs this court that the office was unable to obtain information from the Henderson Detention

Center, where appellant was housed at the time he filed the notice of appeal, confirming that appellant timely submitted a notice of appeal. This court then directed the Clark County District Attorney to attempt to obtain this information. The district attorney has responded and indicates that upon inquiry with the Henderson Detention Center, he was informed that it does not maintain a notice of appeal log. The district attorney was likewise unable to obtain the information requested by this court. Accordingly, the file-stamped date on the notice of appeal controls, and the appeal is untimely. This court lacks jurisdiction and

ORDERS this appeal DISMISSED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. Tierra Danielle Jones, District Judge
Deveyous Eugene Corsey
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk