

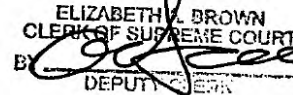
IN THE SUPREME COURT OF THE STATE OF NEVADA

DARYN S. RICHARDSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88000

**FILED**

FEB 09 2024

ELIZABETH L. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a district court order denying a post-conviction petition for writ of habeas corpus. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

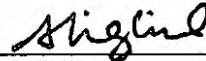
This court's review of this appeal reveals a jurisdictional defect. Specifically, notice of entry of the order denying the post-conviction petition for writ of habeas corpus was served on appellant by mail on April 1, 2020. Appellant did not file this notice of appeal, however, until January 22, 2024, well after the expiration of the 30-day appeal period prescribed by NRS 34.575.<sup>1</sup> See NRAP 4(b)(1); *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d

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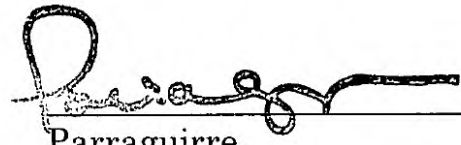
<sup>1</sup>Although appellant indicates that he originally filed a timely notice of appeal in 2020, no such notice of appeal appears in the record before this court. Because the filing of a timely notice of appeal is jurisdictional, we cannot substitute this notice of appeal, mailed on January 18, 2024, for any notice of appeal that was timely prepared but never filed. Any factual issues regarding whether a notice of appeal was timely filed must be resolved by the district court in the first instance. *Round Hill General Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981).

944, 946 (1994) (explaining that an untimely notice of appeal fails to vest jurisdiction in this court). Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Jerry A. Wiese, Chief Judge  
Daryn S. Richardson  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk