

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL BURKETT, A/K/A RAYMOND  
HAIRE,

Appellant,

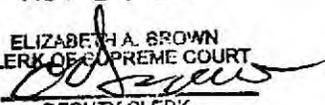
vs.

THE STATE OF NEVADA,  
Respondent.

No. 83743

FILED

NOV 24 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DIRECTING ATTORNEY GENERAL TO OBTAIN AND  
TRANSMIT A CERTIFIED COPY OF NOTICE OF APPEAL LOG OR  
OTHER LOG MAINTAINED BY THE PRISON*

This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. This court's preliminary review of this appeal reveals a potential jurisdictional defect. Specifically, the district court entered the order denying appellant's petition on September 13, 2021, and the clerk of the district court served notice of entry of that order on September 16, 2021. Appellant's notice of appeal was due on October 21, 2021. See NRAP 4(b); *Edwards v. State*, 112 Nev. 704, 709, 918 P.2d 321, 325 (1996). Appellant's notice of appeal, however, was not filed in the district court until November 2, 2021, well 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).

Appellant signed his notice of appeal on September 24, 2021. Under NRAP 4(d), if appellant delivered his notice of appeal to a prison official for mailing on or before October 21, 2021, his notice of appeal would be deemed timely filed. See also *Kellogg v. Journal Communications*, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992) (holding that a notice of appeal is



cc: Joel Burkett  
Attorney General/Carson City  
Clark County District Attorney