

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICHOLAS ROCCO TAGLIAMONTE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83324

NICHOLAS ROCCO TAGLIAMONTE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83325 ✓

**FILED**

AUG 10 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *S. J. J. J.*  
DEPUTY CLERK

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

These are pro se appeals from judgments of conviction. This court's preliminary review of these appeals reveals a potential jurisdictional defect. Specifically, the district court entered the judgments of conviction on June 29, 2021. Appellant's notices of appeal were due on July 29, 2021. See NRAP 4(b); *Edwards v. State*, 112 Nev. 704, 709, 918 P.2d 321, 325 (1996). Appellant's notices of appeal, however, were not filed in the district court until July 30, 2021, one day 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 notices of appeal on July 22, 2021. Under NRAP 4(d), if appellant delivered his notices of appeal to a prison official for mailing on or before July 29, 2021, his notices 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 deemed “filed” when it is delivered to a prison official. Because appellant has not submitted documentation verifying the actual date he may have delivered his notices of appeal to a prison official, this court is unable to determine at this time whether his notices of appeal should be deemed timely pursuant to NRAP 4(d). Any documents verifying the actual date of delivery are in the sole custody and control of state prison officials. In addition, appellant is not represented by counsel in this matter and is proceeding pro se. Therefore, counsel for the State is in the best position to obtain and transmit to this court the documents necessary to establish whether appellant timely invoked this court’s jurisdiction to consider this appeal.

Accordingly, the attorney general shall have 30 days from the date of this order within which 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.<sup>1</sup> If the notice of appeal log does not indicate that appellant delivered the notices of appeal to a prison official, the attorney general shall so inform this court. If appellant used any other log or system designed for legal mail during the relevant time period, the attorney general

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<sup>1</sup>Nevada Department of Corrections Administrative Regulation 722.07(1) provides that “[e]ach institution and facility will maintain a permanent Notice of Appeals Log.”

shall inform the court of this fact and provide this court with certified copies of the log or system used by appellant.

It is so ORDERED.

1. J. J. J. J., C.J.

cc: Nicholas Rocco Tagliamonte  
Attorney General/Carson City  
Washoe County District Attorney