


IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD LEE WHATLEY, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88198

FILED

APR 17 2024


ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER TO SHOW CAUSE AND SUSPENDING BRIEFING

This is an appeal from a judgment of conviction. This court's preliminary review of this appeal reveals a potential jurisdictional defect. Specifically, the judgment of conviction was entered on June 1, 2022. However, the notice of appeal was not filed until February 23, 2024, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b). "[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). To the extent appellant is attempting to appeal from the judgment of conviction under the provisions of NRAP 4(c)(1), it does not appear that the district court has entered a written order certifying that appellant has established a valid appeal deprivation claim and is entitled to a direct appeal. Accordingly, appellant shall have 30 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondent shall have 14 days from the filing of any response to file any reply.

The deadlines for filing documents and the briefing of this appeal are suspended pending further order of this court.

It is so ORDERED.

 C.J.

cc: Steven S. Owens
Attorney General/Carson City
Clark County District Attorney