

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTIONE MATEUR JEAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45139

**FILED**

MAY 19 2005

ORDER DISMISSING APPEAL

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a motion to withdraw a guilty plea. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying appellant's motion on December 28, 2004. Appellant did not file the notice of appeal, however, until April 22, 2005, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b).<sup>1</sup> An untimely notice of appeal fails to vest jurisdiction in this court.<sup>2</sup>

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<sup>1</sup>We note that this is appellant's second attempt to file a notice of appeal from the December 28, 2004 order denying his motion to withdraw a guilty plea. The first notice of appeal was dismissed for lack of jurisdiction as it was untimely filed. Jean v. State, Docket No. 44721 (Order Dismissing Appeal, March 22, 2005).

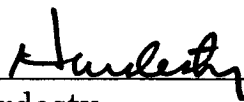
<sup>2</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

Accordingly, we conclude that we lack jurisdiction to consider this appeal,  
and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Jennifer Togliatti, District Judge  
Antione Mateur Jean  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk