

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID EDWARD EUGENO ABARA
A/K/A DAVID EDWARD ABARA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48625

FILED

JAN 18 2007

ORDER DISMISSING APPEAL

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of possession of a controlled substance. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on May 25, 2006. Appellant did not file the notice of appeal, however, until December 15, 2006, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). Appellant concedes that the notice of appeal is untimely. An untimely notice of appeal fails to vest jurisdiction in this court.¹ Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Gibbons

Gibbons J.

Douglas

Douglas J.

Cherry

Cherry J.

¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

cc: Hon. Steven P. Elliott, District Judge
Mary Lou Wilson
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk
David Edward Abara