

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID THIESSEN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49787

**FILED**

SEP 25 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of possession of a stolen vehicle. First Judicial District Court, Carson City; James Todd Russell, Judge.

Our preliminary review of this appeal revealed a jurisdictional defect. The judgment of conviction was filed on May 21, 2007. The proper person notice of appeal was filed on July 10, 2007, well after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup> Accordingly, on July 17, 2007, this court ordered counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.


On August 6, 2007, counsel for appellant filed a response to the order to show cause. In the response, counsel for appellant concedes that appellant did not deliver his notice of appeal to prison officials in a timely manner.<sup>2</sup> However, counsel argues that appellant has good cause

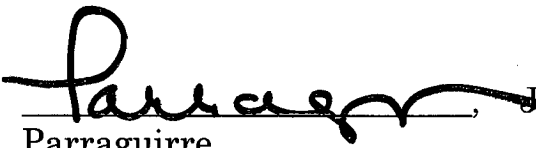
<sup>1</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

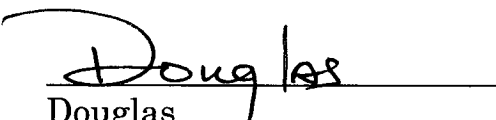
<sup>2</sup>See Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992).

for the untimely filing because he was incarcerated in a lock down unit and prison officials were dilatory in providing him with a notice appeal form. Alternatively, counsel for appellant argues that this court should reconsider the issue of whether the filing of a notice of appeal is a jurisdictional requirement. We note that there is no good cause exception for filing a late notice of appeal, and we decline counsel's invitation to revisit the issue of jurisdiction. Because appellant's notice of appeal was untimely filed, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. James Todd Russell, District Judge  
State Public Defender/Carson City  
Attorney General Catherine Cortez Masto/Carson City  
Carson City District Attorney  
Carson City Clerk  
David Thiessen