

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS LEE HOLMES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 34574

**FILED**

MAR 28 2000

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's motion for amended judgment of conviction to include jail time credits. Our review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying appellant's motion on June 16, 1999. Appellant's notice of appeal was due on July 16, 1999. See NRAP 4(b) (the notice of appeal shall be filed within thirty days after the entry of the order); *Edwards v. State*, 112 Nev. 704, 918 P.2d 321 (1996). Appellant's notice of appeal, however, was not filed in the district court until July 23, 1999, seven days late. Appellant attached to his notice of appeal a certificate of service by mail in which he states that he placed his notice of appeal in the mail on July 17, 1999, one day late. An untimely notice of appeal fails to vest jurisdiction in this court. 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.<sup>1</sup>

*Rose*  
\_\_\_\_\_, C.J.  
Rose

*Young*  
\_\_\_\_\_, J.  
Young

*Agosti*  
\_\_\_\_\_, J.  
Agosti

<sup>1</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

cc: Hon. Jeffrey D. Sobel, District Judge  
Attorney General  
Clark County District Attorney  
Curtis Lee Holmes  
Clark County Clerk