

IN THE SUPREME COURT OF THE STATE OF NEVADA

ACE ANTHONY MACCARLIE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51015

FILED

FEB 29 2008

ORDER DISMISSING APPEAL

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a motion for sentence modification. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion for sentence modification on October 8, 2007. Appellant did not file the notice of appeal, however, until January 29, 2008,¹ well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b).² An untimely notice of appeal fails to vest jurisdiction in

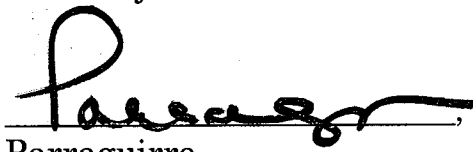
¹We note that the notice of appeal was received by the clerk of the district court on January 28, 2008.

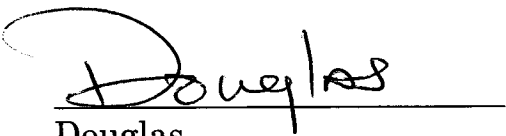
²See also Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996).

this court.³ Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Lee A. Gates, District Judge
Ace Anthony MacCarlie
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

³See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).