

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTONIO PORRAS GORDILLO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51515

**FILED**

JUL 21 2008

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of trafficking in a controlled substance. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Our initial review of this appeal revealed a potential jurisdictional defect. Specifically, it appeared that the notice of appeal was untimely filed. The judgment of conviction was filed on August 2, 2007. The notice of appeal, however, was not filed until April 16, 2008, well after the 30-day appeal period prescribed by NRAP 4(b). “[A]n untimely notice of appeal fails to vest jurisdiction in this court.”<sup>1</sup> Accordingly, this court ordered appellant’s counsel to show cause why this appeal should not be dismissed for lack of jurisdiction.

Counsel has responded and concedes that the appeal was untimely filed. Counsel asserts, however, that appellant was unable to file his notice of appeal at an earlier date due to the mismanagement of appellant’s personal belongings by prison officials. In light of the

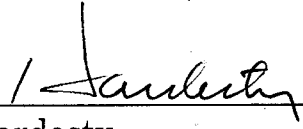
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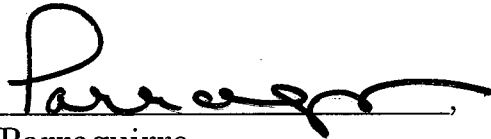
<sup>1</sup>Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

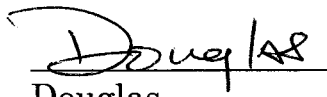
situation, counsel requests this court to find jurisdiction to entertain this appeal.

Our review of the record before this court indicates that the notice of appeal was untimely filed, and this court may not enlarge the time for filing a notice of appeal.<sup>2</sup> 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. Janet J. Berry, District Judge  
O'Mara Law Firm, P.C.  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk  
Antonio Porrás Gordillo

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<sup>2</sup>NRAP 26(b).