

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDRE A. BRELAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52864

FILED

JAN 07 2009

THACH K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; J. Charles Thompson, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on June 23, 1994. Appellant did not file the notice of appeal, however, until December 2, 2008, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this court." Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Cherry
_____, J.
Cherry

[Signature]
_____, J.
Gibbons

Saitta
_____, J.
Saitta

cc: Chief Judge, Eighth Judicial District
Hon. J. Charles Thompson, Senior Judge
Andre A. Breland
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk