

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM ELDRIDGE CALDWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53000

FILED

JAN 22 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a motion to correct or vacate sentence. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the written order on November 13, 2008. Appellant did not file the notice of appeal, however, until December 26, 2008, 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.

[Signature] J.
Cherry

[Signature] J.
Saitta

[Signature] J.
Gibbons

cc: Hon. Jennifer Togliatti, District Judge
William Eldridge Caldwell
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk