

IN THE SUPREME COURT OF THE STATE OF NEVADA

OLGA L. GOMEZ-RUIZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53160

**FILED**

FEB 26 2009

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

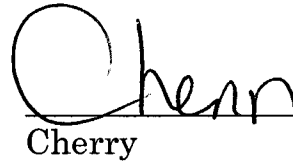
ORDER DISMISSING APPEAL

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; David Wall, Judge.

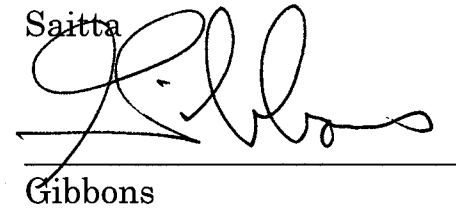
This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion on September 26, 2008. Appellant did not file the notice of appeal, however, until January 26, 2009, well after the expiration of the thirty-day appeal 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.

 \_\_\_\_\_ J.  
Cherry

 \_\_\_\_\_ J.  
Saitta

 \_\_\_\_\_ J.  
Gibbons

cc: Hon. David Wall, District Judge  
Olga L. Gomez-Ruiz  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk