

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD WILLIAM HOAGLAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53223

FILED

FEB 26 2009

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

ORDER DISMISSING APPEAL

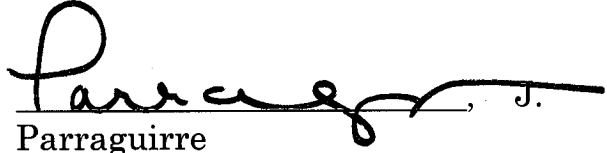
This is an appeal from a judgment of conviction, pursuant to an Alford plea, of one count of driving and/or being in actual physical control of a motor vehicle while under the influence of a controlled substance. North Carolina v. Alford, 400 U.S. 25 (1970). Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

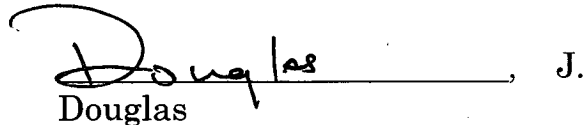
Our review of this appeal reveals a jurisdictional defect. Specifically, the notice of appeal is untimely. The judgment of conviction was filed on December 17, 2007. The notice of appeal was filed on February 4, 2009, well after the 30-day appeal period prescribed by NRAP 4(b). “[A]n untimely notice of appeal fails to vest jurisdiction in this

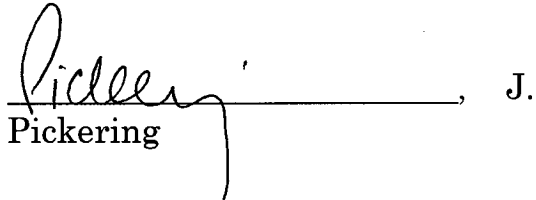
court.” See Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994).

Therefore, we conclude we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.¹


Parraguirre


Douglas


Pickering

cc: Hon. Jackie Glass, District Judge
Clark County Public Defender Philip J. Kohn
Richard William Hoagland
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

¹We note that the notice of appeal filed in this matter is an exact duplicate of the notice of appeal that was docketed in this court as Docket Number 50801. We affirmed the judgment of conviction and sentence in Docket No. 50801. Hoagland v. State, Docket No. 50801 (Order of Affirmance, August 13, 2008).