

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERARDO EDVARDO GOMEZ-
GARCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53243

FILED

MAR 24 2009

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

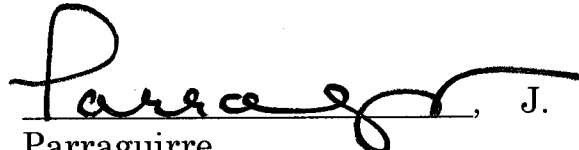
ORDER DISMISSING APPEAL

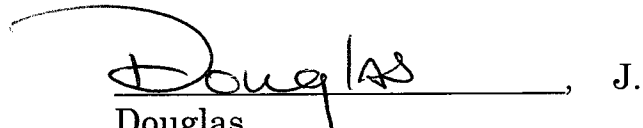
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possessing the personal identification information of another to establish a false status and/or identity. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

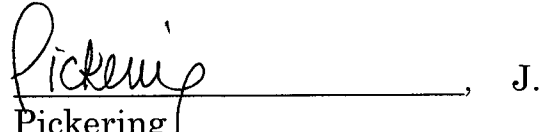
Our preliminary review of this appeal revealed a jurisdictional defect. Specifically, it appeared that the notice of appeal was untimely. The judgment of conviction was entered on November 26, 2008. However, the notice of appeal was not dated or filed until well after the expiration of the 30-day appeal 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, on February 18, 2009, this court directed counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, counsel for appellant concedes “that this [c]ourt does not have jurisdiction over this appeal.” Having reviewed counsel’s response and the documents filed in

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

ORDER this appeal DISMISSED.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. Janet J. Berry, District Judge
Gerardo Edvardo Gomez-Garcia
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe County Public Defender
Washoe District Court Clerk