

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD VELLA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53572

FILED

APR 22 2009

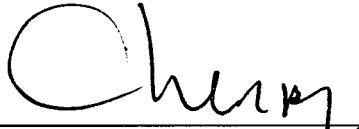
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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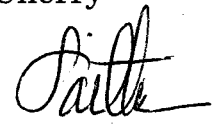
ORDER DISMISSING APPEAL


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the notice of appeal is untimely. The judgment of conviction was entered on June 5, 2008. However, the notice of appeal was not filed until April 8, 2009, 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). Therefore, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Eighth Judicial District Court Dept. 8, District Judge
Clark County Public Defender Philip J. Kohn
Richard Vella
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk