

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESLEY ERIC GARBER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53939

FILED

JUL 09 2009

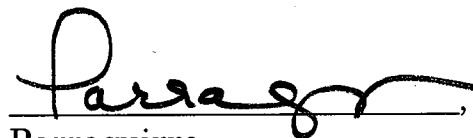
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CLERK OF SUPREME COURT
BY S. Young
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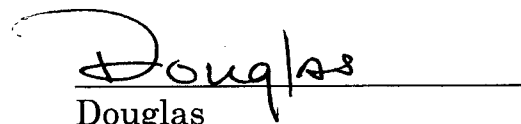
ORDER DISMISSING APPEAL

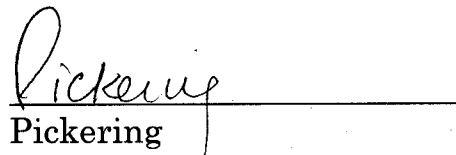
This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion on April 27, 2009. Appellant did not file the notice of appeal, however, until June 2, 2009, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). See Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996). "[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.


Parraguirre J.


Douglas J.


Pickering J.

cc: Hon. Robert W. Lane, District Judge
Wesley Eric Garber
Attorney General Catherine Cortez Masto/Carson City
Nye County District Attorney/Pahrump
Nye County Clerk