

IN THE SUPREME COURT OF THE STATE OF NEVADA

PEDRO RODRIGUEZ, JR.,

No. 34908

Appellant,

FILED

vs.

NOV 19 1999

THE STATE OF NEVADA,

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richardson*
CHIEF DEPUTY CLERK

Respondent.

ORDER DISMISSING APPEAL

This is a proper person appeal from a judgment of conviction.¹ Our review of this appeal indicates that the district court entered the judgment of conviction on September 4, 1998. Appellant did not file the notice of appeal, however, until September 27, 1999, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court. See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal dismissed.

Rose
_____, C.J.
Rose

Young
_____, J.
Young

Leavitt
_____, J.
Leavitt

cc: Hon. Jerome M. Polaha, District Judge
Attorney General
Washoe County District Attorney
Pedro Rodriguez, Jr.
Washoe County Clerk

¹Appellant's proper person notice of appeal designates that he is appealing from "the District Court's order denying Petitioner's Due Process & Appeal Rights, entered in this action on the 20th day of September, 1998." There is no indication from our review of the documents received that such an order was filed in the district court. Accordingly, we elect to construe appellant's notice of appeal as an appeal from the judgment of conviction.