

IN THE SUPREME COURT OF THE STATE OF NEVADA


JOHNATHAN LUCKEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54384

FILED

SEP 24 2009

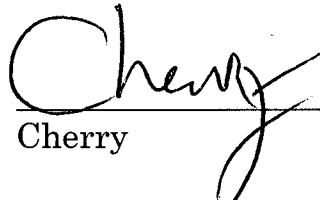
ORDER DISMISSING APPEAL

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY:  DEPUTY CLERK


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted lewdness with a child under the age of 14. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the notice of appeal is untimely. The judgment of conviction was entered in the district court on May 7, 2009. However, the notice of appeal was not filed until August 19, 2009, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b)(1). “[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: Hon. Kathy A. Hardcastle, District Judge
Johnathan Luckey
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk