

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY WILLIAM HUNTER  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54496

**FILED**

**SEP 25 2009**

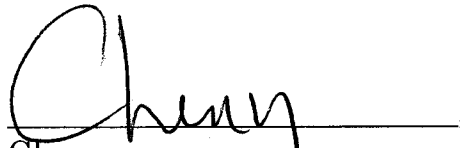
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of driving and/or being in actual physical control while under the influence of intoxicating liquor. Eighth Judicial District Court, Clark County; Douglas W. Herndon, 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 June 29, 2009. However, the notice of appeal was not filed until September 1, 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.

  
Cherry J.

  
Saitta J.

  
Gibbons J.

cc: Hon. Douglas W. Herndon, District Judge  
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  
Gregory William Hunter