

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMIAH JOHNSON GILLIHAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54621

**FILED**

DEC 09 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 one count of burglary. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Our initial review of this appeal revealed a jurisdictional defect. Specifically, the notice of appeal appeared to be untimely. The judgment of conviction was entered on August 7, 2009. However, the notice of appeal was not filed until September 23, 2009, 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). Accordingly, we directed appellant’s counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant’s counsel informs this court that the notice of appeal was not timely filed. We conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Brent T. Adams, District Judge  
Washoe County Alternate Public Defender  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk  
Jeremiah Johnson Gillihan