

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 54623

FILED

OCT 27 2009

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

ORDER DISMISSING APPEAL

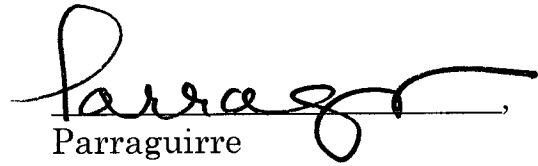
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of four counts of burglary. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

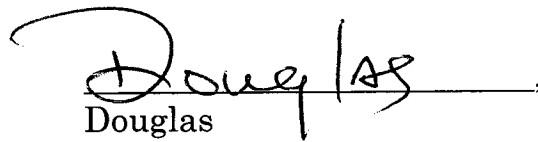
This appeal was initiated by the filing of a proper person notice of appeal. Pursuant to Nevada Rule of Appellate Procedure 3C, appellant's trial counsel was notified that the appeal had been docketed in this court and a briefing schedule had been established. On September 29, 2009, appellant's counsel filed a motion to suspend the briefing of this appeal pending resolution of a jurisdictional question. Appellant's counsel informs this court that it appears that the notice of appeal was not timely filed.

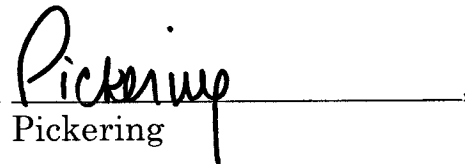
The judgment of conviction was entered on August 7, 2009. However, the notice of appeal was not filed until September 23, 2009, after the expiration of the 30-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this court." Lozada v.

State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.¹

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

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

¹In light of this order, we deny counsel's motion to suspend the briefing of this appeal.