

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL MOROWSKI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54862

FILED

NOV 12 2009

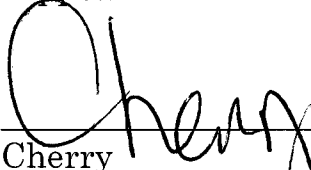
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of driving while under the influence after a prior felony DUI conviction. First Judicial District Court, Carson City; James E. Wilson, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the notice of appeal is untimely. The judgment of conviction was entered on April 1, 2009. However, the notice of appeal was not filed until October 28, 2009, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b)(1)(A). “[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.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Paul Morowski
State Public Defender/Carson City
Attorney General Catherine Cortez Masto/Carson City
Carson City District Attorney
Carson City Clerk