

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW J. VENABLE A/K/A  
MATTHEW JAMES VENABLE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55495

**FILED**

MAR 11 2010

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 robbery with the use of a deadly weapon and first degree kidnapping. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the notice of appeal is untimely. The judgment of conviction was entered on October 15, 2009. However, the notice of appeal was not filed until February 22, 2010, well 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). We therefore

ORDER this appeal DISMISSED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. David B. Barker, District Judge  
Matthew J. Venable  
Brent D. Percival  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk