

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID A. JOYCE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35057

FILED

DEC 06 1999

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ruben*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal in which appellant states that he is appealing from the plea agreement and sentencing. We construe appellant's notice of appeal to be an appeal from the judgment of conviction. Based on our review of the documents before this court, we conclude that we lack jurisdiction to consider this appeal. The district court entered the judgment of conviction on July 30, 1998. Appellant did not file the notice of appeal, however, until October 27, 1999, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court. See *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994). Further, appellant already filed a timely appeal from the judgment of conviction, and this court dismissed the appeal on May 3, 1999. *Joyce v. State*, Docket No. 32880 (Order Dismissing Appeal, May 3, 1999). Accordingly, we

ORDER this appeal dismissed.

Maupin

Maupin J.

Shearing

Shearing J.

Becker

Becker J.

cc: Hon. Joseph T. Bonaventure, District Judge
Attorney General
Clark County District Attorney
David A. Joyce
Clark County Clerk