

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH ANTONETTI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35452

FILED

FEB 25 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a judgment of conviction. Our review of this appeal indicates that the district court entered the judgment of conviction on June 8, 1995. Appellant did not file the notice of appeal, however, until May 21, 1998, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b).¹ An untimely notice of appeal fails to vest jurisdiction in this court. See *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal dismissed.

Young
_____, J.
Young
Agosti
_____, J.
Agosti
Leavitt
_____, J.
Leavitt

cc: Hon. Merlyn H. Hoyt, District Judge
Attorney General
Lincoln County District Attorney
Joseph Antonetti
Lincoln County Clerk

¹NRAP 3(e), in pertinent part, provides, "Upon the filing of the notice of appeal, the clerk of the district court shall immediately transmit to the clerk of the Supreme Court the required filing fee, together with two (2) certified, file-stamped copies of the following documents: (1) notice of appeal; (2) case appeal statement." (Emphasis added.) NRAP 3(a)(1) further provides that "[i]f the notice of appeal is filed in proper person, the district court clerk shall complete and sign the case appeal statement." We note that although appellant's notice of appeal was filed on May 21, 1998, in the district court, it was not transmitted to this court until January 7, 2000. We further note that a case appeal was not transmitted to this court.