

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD MICHAEL PARKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61502

FILED

SEP 14 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anderson*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order denying a motion to withdraw a guilty plea. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.


This court's review of this appeal reveals a jurisdictional defect. The district court denied the motion in a written order entered on January 23, 2012. The notice of appeal was due on February 22, 2012. See NRAP 4(b)(1)(A) (providing for a 30-day appeal period). Appellant's notice of appeal was not filed in the district court until August 14, 2012, approximately six months late.¹ Because an untimely notice of appeal

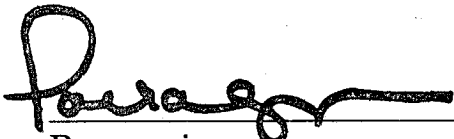
¹We note that the clerk of the district court served notice of entry of the January 23, 2012, order on August 15, 2012, and the notice of entry mistakenly stated that there was a 33-day appeal period. The notice-of-entry date did not alter the 30-day appeal period as there is no notice of entry requirement for an order denying a motion to withdraw a guilty plea. The 30-day period to file a notice of appeal begins on the date that the order is entered in the district court. NRAP 4(b)(1)(A). Further, the mistaken information in the notice of entry did not extend the time to file a notice of appeal as the 30-day period is jurisdictional and cannot be extended. See NRAP 26(b)(1)(A). While the misinformation is unfortunate, it is worth noting that it could not have been relied upon as appellant's notice of appeal was filed prior to service of notice of entry.

fails to vest jurisdiction in this court, Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Elissa F. Cadish, District Judge
Edward Michael Parker
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk