

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN GIPSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62071

FILED

DEC 20 2012

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

The notice of appeal was untimely filed.¹ NRAP 4(b). Because an 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 conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.²

Saitta, J.
Saitta

Pickering, J.
Pickering

Hardesty, J.
Hardesty

¹An appeal deprivation claim must be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance. NRS 34.724(2)(c); NRS 34.738(1). We express no opinion regarding the merits of any such claim or whether appellant can satisfy the procedural requirements of NRS chapter 34.

²We have considered the proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.

cc: Hon. David B. Barker, District Judge
Kevin Gipson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk