

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUANE E. WHITMORE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63194

FILED

JUN 07 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order denying a motion to modify. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

The notice of appeal was untimely filed. NRAP 4(b); *Edwards v. State*, 112 Nev. 704, 918 P.2d 321 (1996). 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

Accordingly, we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Jennifer P. Togliatti, District Judge
Duane E. Whitmore
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk