

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN A/K/A  
STEVEN SAMUEL JALBERT,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36714

**FILED**

JAN 11 2001

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


ORDER DISMISSING APPEAL

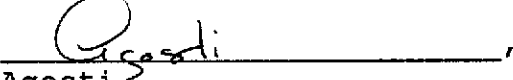
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of defacing, altering, substituting, or removing a vehicle identification number. The order was entered by the district court on July 26, 2000. The notice of appeal was filed on August 31, 2000, after the thirty-day 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). Accordingly, on September 26, 2000, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction.

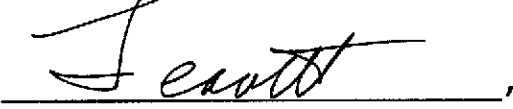
On December 6, 2000, counsel for appellant filed a response to this court's order to show cause. In the response, counsel concedes that the notice of appeal was untimely filed, and that no independent evidence exists to prove that appellant delivered his notice of appeal into the

hands of prison officials prior to the expiration of the thirty-day appeal period. See Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992). We therefore conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal dismissed.<sup>1</sup>

  
Shearing J.

  
Agosti J.

  
Leavitt J.

cc: Hon. Donald M. Mosley, District Judge  
Attorney General  
Clark County District Attorney  
Clark County Public Defender  
Clark County Clerk  
Steven Samuel Braunstein

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<sup>1</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.