

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHELLY J. NEWTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77593

FILED

DEC 17 2018

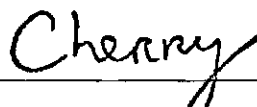
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL


This is a pro se appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on December 15, 2017. Appellant did not file the notice of appeal, however, until November 30, 2018, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). To the extent that appellant's appeal is in regard to the postconviction petition for a writ of habeas corpus, no decision had been made on the petition when appellant filed the notice of appeal on November 30, 2018. *See* NRS 177.015(3). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Michelle Leavitt, District Judge
Shelly J. Newton
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk