

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN EVOL FORNEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78350

FILED

APR 22 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from an order denying a postconviction petition for writ of habeas corpus. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on August 23, 2018. The district court served notice of entry of that order on appellant on August 27, 2018. Appellant did not file the notice of appeal, however, until March 11, 2019, well after the expiration of the thirty-day appeal period prescribed by NRS 34.575. "[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). Accordingly, this court concludes that it lacks jurisdiction to consider this appeal, and this court

ORDERS this appeal DISMISSED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Hon. William D. Kephart, District Judge
John Evol Forney
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk