

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOMER ORVILLE BURTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37174

FILED

JAN 23 2001

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's motion to correct an illegal sentence. Our review of this appeal indicates that the district court entered the order denying appellant's motion on September 15, 2000. Appellant did not file the notice of appeal, however, until December 11, 2000, well after the expiration of 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, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal dismissed.

Shearing J.
Shearing
Agosti J.
Agosti
Leavitt J.
Leavitt

cc: Hon. Sally L. Loehrer, District Judge
Attorney General
Clark County District Attorney
Homer Orville Burton
Clark County Clerk

01-01476