

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JOHN MOE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80217

FILED

JAN 16 2020

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

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion to modify sentence. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion to modify sentence on November 5, 2019. Appellant did not file the notice of appeal, however, until December 10, 2019, 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). Accordingly, this court lacks jurisdiction to consider this appeal, and

ORDERS this appeal DISMISSED.

L. Gibbons, J.
Gibbons

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Hon. Lynne K. Simons, District Judge
Michael John Moe
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk