

IN THE SUPREME COURT OF THE STATE OF NEVADA

GIOVANNI KOHLER KURTZE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82739

FILED

APR 30 2021

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 postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, the district court entered its order denying appellant's petition on June 14, 2019. The district court served notices of entry of that order on appellant on June 17, 2019, in district court case number A-19-791112-W and on June 24, 2019, in district court case number C-14-299786-1. Appellant did not file the notices of appeal, however, until April 5, 2021, and April 12, 2021, well after the expiration of the 30-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). To the extent that appellant's appeal is in regard to the habeas corpus petition filed in district court on February 24, 2021, in district court

case number A-19-791112-W, no decision has been made on that petition when appellant filed the notices of appeal. See NRS 177.015(3) (stating that appellant may appeal from a final judgment or verdict). Accordingly, this court

ORDERS this appeal DISMISSED.


_____, J.
Parraguirre


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Michelle Leavitt, District Judge
Giovanni Kohler Kurtze
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk