

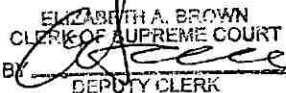
IN THE SUPREME COURT OF THE STATE OF NEVADA

MIGUEL ANGEL LOPEZ, A/K/A
MIGUEL ANGEL BELTRAN LOPEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85387

FILED

MAY 30 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

The judgement of conviction was filed July 14, 2022, but appellant's notice of appeal was not filed until September 15, 2022, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b). This court issued an order to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant filed a response and a motion for an expedited ruling on the order to show cause, and respondent has filed a reply to the response to order to show cause.


Appellant notes that the judgment of conviction did not appear on the district court's docket until September 13, 2022. Appellant argues that this date should be considered the date of the "entry" of the judgment of conviction for the purposes of NRAP 4(b)(1)(A). We disagree. NRAP 4(b)(1)(A) states that "the notice of appeal by a defendant or petitioner in a criminal case shall be filed with the district court clerk within 30 days after the entry of the judgment or order being appealed." NRAP 4(b)(4) states that "[a] judgment or order is entered for purposes of this Rule when it is

signed by the judge and filed with the clerk.” There is no dispute that the judgment of conviction was signed by the judge and filed by the clerk of the district court on July 14, 2022. Therefore, appellant’s notice of appeal filed on September 15, 2022, is untimely. NRAP 4(b)(1)(A). “[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, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.¹


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. Monica Trujillo, District Judge
Legal Resource Group
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Appellant’s motion to expedite is denied as moot.