

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONNA BRAESE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39951

FILED

SEP 13 2002

ORDER DISMISSING APPEAL

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of theft. The district court entered the judgment of conviction on May 29, 2002. The notice of appeal was filed on July 17, 2002, after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup>

On July 23, 2002, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. On August 12, 2002, counsel filed a response in which he concedes that the notice of appeal was untimely filed. We therefore conclude that we lack jurisdiction to entertain this appeal and we

ORDER this appeal DISMISSED.

*Shearing*  
\_\_\_\_\_  
Shearing J.

*Leavitt*  
\_\_\_\_\_  
Leavitt J.

*Becker*  
\_\_\_\_\_  
Becker J.

<sup>1</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

cc: Hon. J. Michael Memeo, District Judge  
Elko County Public Defender  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk