

IN THE SUPREME COURT OF THE STATE OF NEVADA

JONATHAN HERRERA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41519

FILED

AUG 19 2003

ORDER DISMISSING APPEAL

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

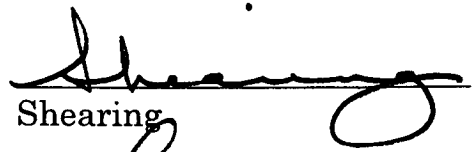
This is a proper person appeal from a judgment of conviction.¹ This court's preliminary review of this appeal reveals that the district court entered the judgment of conviction on July 30, 2002. Appellant did not file the notice of appeal, however, until May 30, 2003, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.²


¹In the notice of appeal, appellant states that the appeal is from an order of the district court denying a petition for a writ of habeas corpus. However, this court's preliminary review has revealed that appellant has not filed a petition for a writ of habeas corpus in the district court. Accordingly, this court construes the notice of appeal as being from the judgment of conviction.


²See 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.


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Jackie Glass, District Judge
Jonathan Herrera
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk