

IN THE SUPREME COURT OF THE STATE OF NEVADA

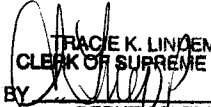
JAMES E. SCHULTZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50960

FILED

FEB 25 2008

ORDER DISMISSING APPEAL

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of felony driving while under the influence. Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.

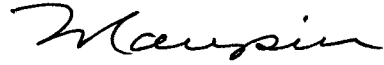
This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on July 12, 2007. Appellant did not file the notice of appeal, in the district court, however, until January 16, 2008, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹

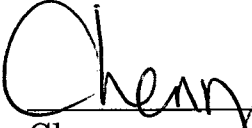
¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

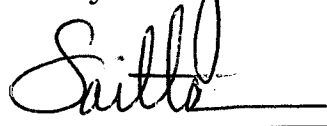
08-04485

Accordingly, we conclude that we lack jurisdiction to consider this appeal,
and we

ORDER this appeal DISMISSED.²


_____, J.
Maupin


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Michael P. Gibbons, District Judge
Nathan Tod Young
Attorney General Catherine Cortez Masto/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk
James E. Schultz

²Because appellant is represented by counsel in this matter, we decline to grant appellant permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, this court shall take no action on and shall not consider the proper person documents appellant has submitted to this court in this matter.