

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALD WAYNE SMITH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 34864

**FILED**

NOV 17 1999

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a judgment of conviction. Our review of this appeal indicates that the district court entered the judgment of conviction on October 2, 1997. Appellant did not file the notice of appeal, however, until September 20, 1999, 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. See 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.<sup>1</sup>

*Young* \_\_\_\_\_ J.  
Young  
*Agosti* \_\_\_\_\_ J.  
Agosti  
*Leavitt* \_\_\_\_\_ J.  
Leavitt

<sup>1</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

cc: Hon. Brent T. Adams, District Judge  
Attorney General  
Washoe County District Attorney  
Gerald Wayne Smith  
Washoe County Clerk