

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH BARLOW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70812

FILED

SEP 30 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

Appellant filed a pro se notice of appeal from an order denying a pretrial petition for a writ of habeas corpus. On August 30, 2016, this court issued an order directing appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant's counsel has responded with a notice of withdrawal of this appeal, approved by appellant. Appellant then submitted a pro se letter indicating that he does not wish to withdraw the appeal.¹ Only the state may appeal from an order resolving a pretrial petition for writ of habeas corpus. NRS 34.575(2); *Gary v. Sheriff*, 96 Nev. 78, 605 P.2d 212 (1980). "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*,

¹The clerk of this court shall file the letter received on September 17, 2016.

110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Kerry Louise Earley, District Judge
Special Public Defender
Keith Barlow
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk