

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRY GEORGE WAYNE A/K/A SADIQ
QUINCY MILES, A/K/A SANDIO
QUINCY MILES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43236

FILED

JUN 09 2004

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


ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Our review of this appeal reveals a jurisdictional defect. The documents before this court indicate that the district court entered its order denying appellant's petition on December 22, 2003. The district court served notice of entry of that order on appellant on December 24, 2003. Appellant did not file the notice of appeal, however, until April 28, 2004, well after the expiration of the thirty-day appeal period prescribed by NRS 34.575. 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).

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

ORDER this appeal DISMISSED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Sally L. Loehrer, District Judge
Terry George Wayne
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk