

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH A. DIMEGLIO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43496

FILED

AUG 19 2004

ORDER DISMISSING APPEAL

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


This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence. Eighth Judicial District Court, Clark County; David Wall, Judge.

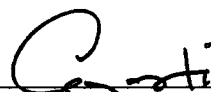
This court's preliminary review of this appeal reveals a jurisdictional defect. The district court entered the order denying appellant's motion on May 4, 2004. Appellant did not file the notice of appeal, however, until June 17, 2004, after the expiration of the thirty-day appeal period.¹ An untimely notice of appeal fails to vest jurisdiction in

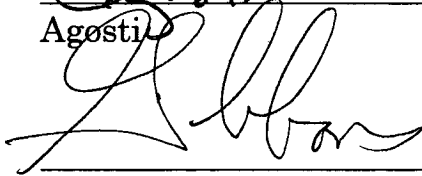
¹See NRAP 4(b) ("In a criminal case, the notice of appeal shall be filed in the district court within thirty (30) days after the entry of the judgment or order appealed from."); see also Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996) (holding that the more favorable appeal provisions available under NRS chapter 34 are not applicable to a motion to correct an illegal sentence).

this court.² 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. David Wall, District Judge
Joseph A. Dimeglio
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

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