

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LEE LAMBERT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43782

**FILED**

SEP 03 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
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; Sally L. Loehrer, Judge.


This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion on May 21, 2004. Appellant did not file the notice of appeal, however, until August 12, 2004, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b).<sup>1</sup> An untimely notice of

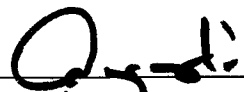
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<sup>1</sup>It appears that appellant mistakenly sent his notice of appeal to this court in the first instance—the notice of appeal contains a stamp with a received-date of July 30, 2004, from this court. Regardless of which date is used, August 12, 2004, or July 30, 2004, the notice of appeal is untimely filed.

appeal fails to vest jurisdiction in this court.<sup>2</sup> 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  
Michael Lee Lambert  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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