

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZEFERINO ELIZONDA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43961

**FILED**

NOV 15 2004

ORDER DISMISSING APPEAL

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of attempted murder with the use of a deadly weapon, and two counts of discharging a firearm at or into a structure. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

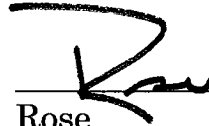
This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on January 24, 2003. Appellant did not file the notice of appeal, however, until September 17, 2004, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup> Accordingly, we conclude

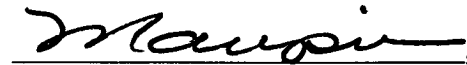
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<sup>1</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Valorie Vega, District Judge  
James L. Buchanan II  
Zeferino Elizonda  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk