

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD D. MILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44038

FILED

NOV 01 2004

ORDER DISMISSING APPEAL

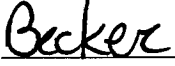
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of burglary while in possession of a deadly weapon, and two counts of robbery with the use of a deadly weapon. 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 judgment of conviction on January 29, 2004. Appellant did not file the notice of appeal, however, until September 29, 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.¹ 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
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk
Edward D. Miller

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