

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES DRISCOLL SMITH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44171

FILED

DEC 01 2004

ORDER DISMISSING APPEAL


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


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of grand larceny auto and one count of failure to stop on the signal of a police officer. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

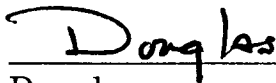
This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on August 2, 2004. Appellant did not file the notice of appeal, however, until October 25, 2004, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails

to vest jurisdiction in this court.<sup>1</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

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

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

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

cc: Hon. Jackie Glass, District Judge  
Clark County Public Defender Philip J. Kohn  
James Driscoll Smith  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

---

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