

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARVIN LOVELL HAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44349

FILED

JAN 20 2005

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 possession of a controlled substance and two counts of battery on an officer. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

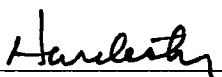
This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on August 4, 2004. Appellant did not file the notice of appeal, however, until December 1, 2004, well after the expiration of the thirty-day appeal period 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.²


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Jennifer Togliatti, District Judge
James L. Buchanan II
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk
Marvin Lovell Hal

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

²On December 30, 2004, appellant's counsel filed a motion to withdraw. Cause appearing, the motion is granted.