

IN THE SUPREME COURT OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44556

FILED

MAR 04 2005

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

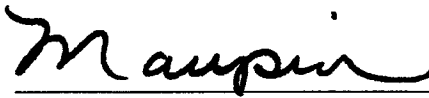
This is a proper person appeal from an order of the district court denying a "motion for judgment on the pleading to vacate order and reinstate probation." Second Judicial District Court, Washoe County; James W. Hardesty, Judge.


This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion on December 7, 2004. Appellant did not file the notice of appeal, however, until January 18, 2005, after the expiration of the thirty-day appeal period prescribed by NRAP 4(b).¹ An untimely notice of

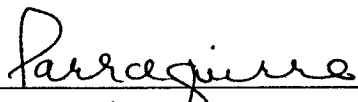
¹Appellant claims that he mailed a timely notice of appeal, but that he designated the wrong district court case number. The notice of appeal bearing the wrong district court case number does not vest jurisdiction in this court in the instant appeal.

appeal fails to vest jurisdiction in this court.² Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.³


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Second Judicial District Court Dept. 9, District Judge
Ferrill Joseph Volpicelli
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

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

³We deny as moot appellant's motion for leave to file an opening brief.