

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD WELDON EVANS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44564

FILED

MAR 3 0 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 stolen property. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

This court's preliminary review of this appeal revealed a potential jurisdictional defect. Specifically, the judgment of conviction was entered by the district court on December 14, 2004. The notice of appeal was filed on January 20, 2005, after the thirty-day appeal period prescribed by NRAP 4(b).¹ An untimely notice of appeal fails to vest jurisdiction in this court.²

Accordingly, on February 8, 2005, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. On February 23, 2005, counsel filed a response in

¹Appellant apparently signed the notice of appeal before the expiration of the appeal period. It therefore appeared possible that the notice of appeal was delivered to prison officials within the thirty (30) day period, and may therefore be timely. Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992) (notice of appeal shall be deemed filed on the date it is delivered to a prison official).

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

