

IN THE SUPREME COURT OF THE STATE OF NEVADA

LLOYD STEVEN BEVERLY, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44629

**FILED**

MAR 04 2005

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court denying a motion to correct an illegal sentence. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.


This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court denied appellant's motion on October 21, 2004. Appellant did not file the notice of appeal, however, until January 31, 2005, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b).<sup>1</sup> An untimely notice of appeal


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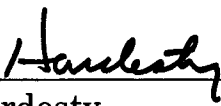
<sup>1</sup>We note that the district court served notice of entry of the October 21, 2004 order on February 1, 2005. The service of notice of entry has no effect on the time for filing a notice of appeal from an order of the district court denying a motion to correct an illegal sentence. See NRAP 4(b)(1). Further, appellant cannot claim to have relied upon the notice of entry as his notice of appeal predated the notice of entry.

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

ORDER this appeal DISMISSED.

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

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Lee A. Gates, District Judge  
Lloyd Steven Beverly Jr.  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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