

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN MADDOX,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44639

FILED

MAR 03 2005

ORDER DISMISSING APPEAL

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

This is an appeal, pursuant to a plea of nolo contendere,<sup>1</sup> of one count of trafficking in a controlled substance. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge.


This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on September 8, 2004. Appellant did not file the notice of appeal, however, until February 1, 2005, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of

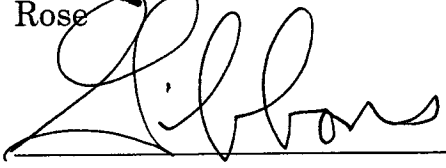
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<sup>1</sup>Appellant pleaded guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). Under Nevada law, "whenever a defendant maintains his or her innocence but pleads guilty pursuant to Alford, the plea constitutes one of nolo contendere." State v. Gomes, 112 Nev. 1473, 1479, 930 P.2d 701, 705 (1996).

appeal 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. Sally L. Loehrer, District Judge  
Kevin Maddox  
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).