

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY L. HARRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44781

FILED

APR 01 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 post-conviction petition for a writ of habeas corpus and a purported order of the district court denying a "motion for re-trial/new trial/not guilty verdict." Eighth Judicial District Court, Clark County; Valorie Vega, Judge.


Our review of this appeal reveals jurisdictional defects. First, the district court entered its order denying appellant's petition on December 2, 2004. The district court served notice of entry of that order on appellant on December 27, 2004. Appellant did not file the notice of appeal, however, until February 24, 2005, after the expiration of the thirty-day appeal period prescribed by NRS 34.575. An untimely notice of appeal fails to vest jurisdiction in this court.¹ Thus, we lack jurisdiction to consider an appeal from the December 2, 2004 order denying appellant's habeas corpus petition.


The documents before this court indicate that the district court did not enter a decision on July 18, 2002, to deny a "motion for re-trial/new trial/not guilty verdict." In fact, the documents before this court

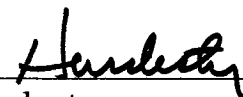
¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

indicate that no such motion has been filed in the district court. 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. Valorie Vega, District Judge
Gregory L. Harris
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk