

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRENT LEE FOSTER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45074

**FILED**

JUN 02 2005

ORDER DISMISSING APPEAL

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

This is an appeal from a post-conviction motion to withdraw a guilty plea. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion on September 10, 2004. Appellant did not file the notice of appeal, however, until March 16, 2005, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

*Maupin*, J.  
Maupin

*Douglas*, J.  
Douglas

*Parraguirre*, J.  
Parraguirre

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

cc: Hon. Jackie Glass, District Judge  
Brent Lee Foster  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk