

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ANTHONY NICASTRO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45467

FILED

OCT 03 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 attempted sexual assault of a minor under the age of 14 years. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.


This court's preliminary review of this appeal revealed a jurisdictional defect. Specifically, the judgment was entered by the district court on May 10, 2005, but the notice of appeal was not filed until June 16, 2005, after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹

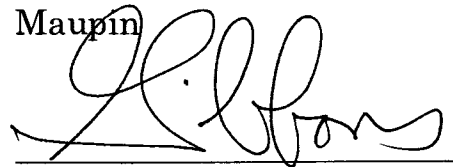
On June 30, 2005, this court ordered appellant's counsel shall to show cause why this appeal should not be dismissed for lack of jurisdiction. Counsel has failed to respond to this court's order, and we

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

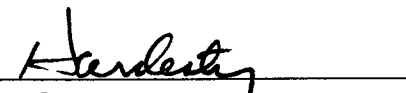
conclude that we lack jurisdiction to entertain this appeal. Accordingly,
we

ORDER this appeal DISMISSED.

 _____, J.

Maupin
 _____, J.

Gibbons

 _____, J.
Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk