

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 45650

**FILED**

SEP 14 2005

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

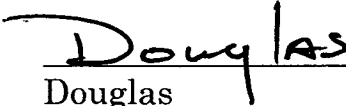
ORDER DISMISSING APPEAL


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of battery with a deadly weapon resulting in substantial bodily harm with the intent to promote, further or assist a criminal gang. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

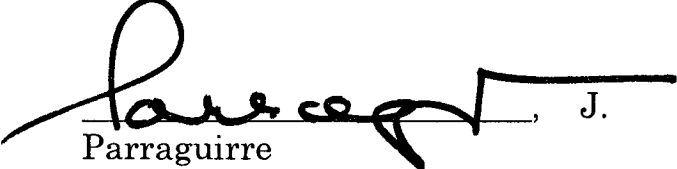
This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on September 1, 2004. Appellant did not file the notice of appeal, however, until July 20, 2005, well after the expiration of the thirty-day appeal period 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.

 \_\_\_\_\_, J.  
Douglas

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

 \_\_\_\_\_, J.  
Parraguirre

cc: Honorable Jackie Glass, 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  
Brent Lee Foster

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