## IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS JOSEPH MOLINA A/K/A DENNIS JOSEPH MANAWIS-MOLINA, Appellant, vs. THE STATE OF NEVADA, Respondent. No. 45864

FILED

OCT 21 2005

JANE FLE M. BLOC

## ORDER DISMISSING APPEAL

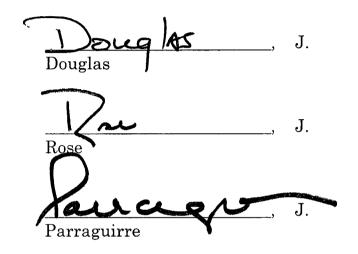
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of invasion of the home. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge. The district court sentenced appellant to a prison term of 18 to 48 months, suspended the sentence and placed appellant on probation for a period not to exceed 3 years.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on June 24, 2005. Initially, appellant sent the notice of appeal to the United States District Court, and the notice of appeal was not actually filed in the state district court until August 24, 2005, 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>

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

SUPREME COURT OF NEVADA Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.<sup>2</sup>



cc: Hon. Michelle Leavitt, 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

SUPREME COURT OF NEVADA

(O) 1947A

<sup>&</sup>lt;sup>2</sup>On September 14, 2005, the Clark County Public Defender filed a motion to withdraw as counsel in this appeal. Cause appearing, the motion is granted.