

IN THE SUPREME COURT OF THE STATE OF NEVADA

J.B. MIKELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46050

FILED

DEC 23 2005

ORDER DISMISSING APPEAL

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

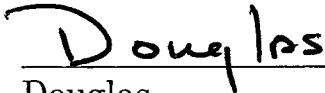
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of child endangerment and one count of assault on an officer. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.


This court's preliminary review of this appeal revealed a jurisdictional defect. Specifically, the judgment was entered by the district court on August 22, 2005. The notice of appeal was filed on September 29, 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 Accordingly, on November 8, 2005, this court ordered the Clark County Public Defender to show cause why this appeal should not be dismissed for lack of jurisdiction. The Clark County Public Defender has

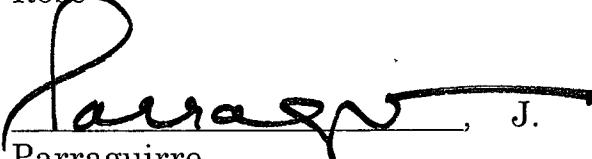
¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

failed to respond to this court's order to show cause. We conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.²


_____, J.
Douglas


_____, J.
Rose


_____, J.
Parraguirre

²On November 16, 2005, appellant filed a proper person letter in this court with an attached copy of a letter from the Clark County Public Defender. The letter from the Clark County Public Defender informed appellant that the district court had granted a motion by the Public Defender to withdraw as counsel on September 8, 2005. The Clark County Public Defender is reminded that to withdraw for purposes of a fast track appeal, a motion to withdraw must be filed in and granted by this court. See NRAP 3C(b)(1). The district court's order granting the motion to withdraw was therefore without effect and appellant is still represented by the Clark County Public Defender in this appeal.

cc: Hon. Donald M. Mosley, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk
J.B. Mikell