

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE R. ESCOBAR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46055

**FILED**

**OCT 25 2005**

ORDER DISMISSING APPEAL

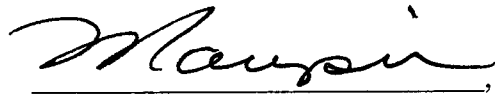
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of robbery with the use of a deadly weapon, and one count of battery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.


This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on December 4, 2003. Appellant did not file the notice of appeal, however, until September 30, 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.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Kathy A. Hardcastle, District Judge  
Jose R. Escobar  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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