

IN THE SUPREME COURT OF THE STATE OF NEVADA

EVELYN WHITEHEAD, AKA EVELYN
JEAN HAGLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46458

FILED

APR 24 2006

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

ORDER DISMISSING APPEAL

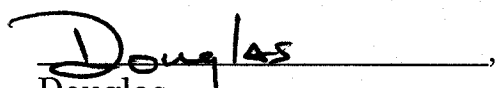
This is an appeal from a judgment of conviction, pursuant to a plea of nolo contendere,¹ of one count of robbery. Eighth Judicial District Court, Clark County; John S. McGroarty, Judge.


On March 23, 2006, the State filed a motion to dismiss this appeal as untimely. The motion is unopposed. According to the district court docket entries, the judgment of conviction was entered on November 2, 2005, but the notice of appeal was not filed until December 19, 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.²


¹Appellant pleaded guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). Under Nevada law, "whenever a defendant maintains his or her innocence but pleads guilty pursuant to Alford, the plea constitutes one of nolo contendere." State v. Gomes, 112 Nev. 1473, 1479, 930 P.2d 701, 705 (1996).

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

We conclude that we lack jurisdiction to entertain this appeal.
Accordingly, the motion is granted and we
ORDER this appeal DISMISSED.

 _____, J.
Douglas

 _____, J.
Becker

 _____, J.
Parraguirre

cc: Eighth Judicial District Court Dept. 16, District Judge
Christiansen Law Offices
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk
Evelyn Whitehead