

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL ANTHONY RICE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46709

FILED

APR 10 2006

ORDER DISMISSING APPEAL

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of battery causing substantial bodily harm, four counts of being an ex-felon in possession of a firearm, and one count of possession of a controlled substance. Sixth Judicial District Court, Humboldt County; Richard Wagner, Judge.


This court's preliminary review of this appeal revealed a jurisdictional defect. Specifically, the judgment of conviction was entered by the district court on August 25, 2005, but the notice of appeal was not filed until January 30, 2006, well after the thirty-day appeal period prescribed by NRAP 4(b).

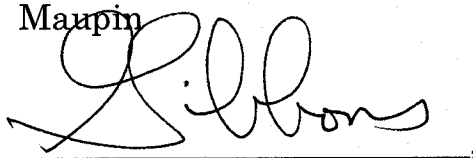
In the notice of appeal, counsel for appellant purported to be appealing from the notice of entry of the judgment of conviction. NRAP 4(b)(1) requires that the notice of appeal in a criminal matter be filed in the district court within 30 days after the entry of the judgment being appealed from. NRAP 4(b)(1) specifically provides that the time for filing the notice of appeal runs from the entry of the judgment, not from notice of

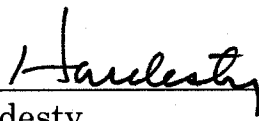
entry of the judgment.¹ An untimely notice of appeal fails to vest jurisdiction in this court.²

On February 24, 2006, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. Counsel has failed to respond, and we conclude that we lack jurisdiction to entertain this appeal. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Richard Wagner, District Judge
Marc P. Picker
Attorney General George Chanos/Carson City
Humboldt County District Attorney
Humboldt County Clerk

¹Cf. NRAP 4(a)(1) (requiring that the notice of appeal in a civil case must be filed within 30 days after service of written notice of the entry of the judgment or order appealed from); NRS 34.575(1) (requiring that the notice of appeal from an order denying a post-conviction petition for a writ of habeas corpus be filed "within 30 days after service by the court of written notice of entry of the order").

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