

IN THE SUPREME COURT OF THE STATE OF NEVADA

EMORY L. GARRY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 47445

**FILED**

**AUG 03 2006**

ORDER DISMISSING APPEAL

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of battery with the use of a deadly weapon and one count of child abuse with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

This court's preliminary review of this appeal revealed a jurisdictional defect. Specifically, the district court entered the judgment of conviction on April 18, 2006. Appellant did not file the notice of appeal, however, until June 2, 2006, 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, on June 15, 2006, this court ordered appellant's counsel to show cause why this appeal should not be dismissed.

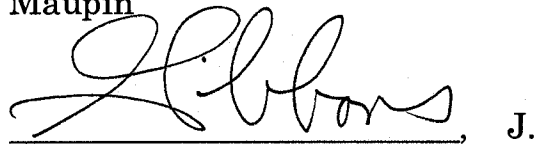
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<sup>1</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

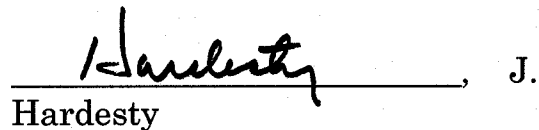
Appellant's counsel has failed to respond to this court's order. We conclude that we lack jurisdiction to entertain this appeal, and we  
ORDER this appeal DISMISSED.

 J.

Maupin

 J.

Gibbons

 J.  
Hardesty

cc: Hon. Mark R. Denton, District Judge  
William C. Horne  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk  
Emory L. Garry