

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LEE WURGAFT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48852

FILED

MAY 11 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court dismissing a motion to dismiss a conviction and from an order of the district court dismissing appellant's post-conviction petition for a writ of habeas corpus. Third Judicial District Court, Lyon County; Robert E. Estes, Judge; Third Judicial District Court, Lyon County; Wayne A. Pederson, Judge.

This court's preliminary review of this appeal revealed jurisdictional defects. Specifically, the district court entered the order dismissing the motion to dismiss the conviction on December 20, 2006. Appellant did not file the notice of appeal, however, until January 30, 2007, 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.¹

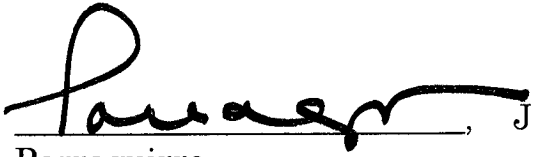
Additionally, appellant moved to dismiss and voluntarily withdrew both the motion to dismiss the conviction and the habeas petition. Under these circumstances, where the district court granted the

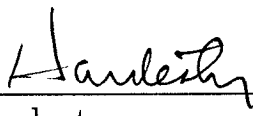
¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).


relief that appellant sought, appellant is not an aggrieved party who could appeal from the district court's orders.²

On February 8, 2007, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Counsel has not responded to this court's order. We conclude that we lack jurisdiction and we

ORDER this appeal DISMISSED.


Parraguirre, J.


Hardesty, J.


Saitta, J.

cc: Hon. Robert E. Estes, District Judge
Third Judicial District Court Dept. 2, District Judge
Law Office of Kenneth V. Ward
Attorney General Catherine Cortez Masto/Carson City
Lyon County District Attorney
Lyon County Clerk
Robert Wurgaft

²See generally NRS 177.015 (setting forth the orders from which a "party aggrieved in a criminal action may appeal").