

IN THE SUPREME COURT OF THE STATE OF NEVADA

MILO WILLIAM HICKS, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50722

**FILED**

MAR 07 2008

TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of burglary while in possession of a firearm, one count of conspiracy to commit robbery, three counts of robbery with the use of a deadly weapon, and two counts of battery with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

Our preliminary review of this appeal revealed a jurisdictional defect. The judgment of conviction was entered by the district court on November 8, 2007. The notice of appeal was filed on December 11, 2007, one day after 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 December 31, 2007, this court ordered appellant's counsel Jonathan MacArthur to show cause why this appeal should not be dismissed for lack of jurisdiction.

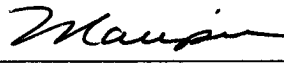
On February 7, 2008, MacArthur filed a response to this court's order to show cause. In the response, MacArthur concedes that the

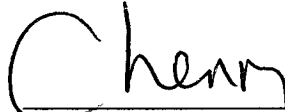
<sup>1</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).


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notice of appeal was untimely filed. MacArthur explains that he prepared the notice of appeal and request for rough draft transcripts within the 30-day time period but his former secretary failed to file the documents in the district court until December 10, 2007. We note that there is no good cause exception for filing a late notice of appeal, and we decline counsel's invitation to "resolve this matter guided by principles of equity."<sup>2</sup> Because appellant's notice of appeal was untimely filed, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Lee A. Gates, District Judge  
Jonathan E. MacArthur  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk  
Milo Williams Hicks, Jr.

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<sup>2</sup>See NRAP 4(b).