

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL CURTIS CRAFT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51661

FILED

AUG 22 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

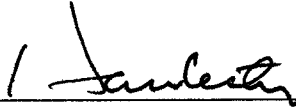
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of battery with a deadly weapon. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

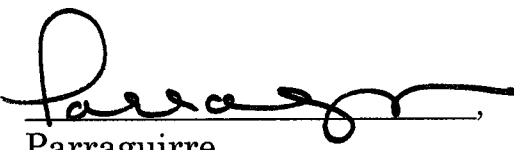
Our initial review of this appeal revealed a jurisdictional defect. Specifically, the notice of appeal appeared to be untimely. The judgment of conviction was entered on December 13, 2007. However, the notice of appeal was not filed until May 14, 2008, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹ Accordingly, on June 13, 2008, this court ordered appellant's counsel Michael J. Roth to show cause why this appeal should not be dismissed for lack of jurisdiction. To date, Mr. Roth has failed to respond to the June 13, 2008, order.

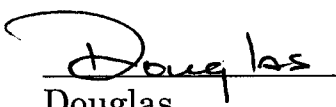
¹See Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994).

Having reviewed the record before this court, we conclude that the notice of appeal was untimely, and we lack jurisdiction to consider this appeal. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Steven P. Elliott, District Judge
Michael Curtis Craft
Michael V. Roth
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk