

IN THE SUPREME COURT OF THE STATE OF NEVADA

DERRICK ROBERSON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36712

FILED

NOV 20 2000

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

ORDER DISMISSING APPEAL


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of living off the earnings of a prostitute. The judgment was entered by the district court on July 26, 2000. The notice of appeal was filed on August 31, 2000, after the thirty-day appeal period prescribed by NRAP 4(b).¹ An untimely notice of appeal fails to vest jurisdiction in this court. See *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994).

Accordingly, on September 26, 2000, this court entered an order directing counsel for appellant to show cause why this appeal should not be dismissed. Counsel for appellant has failed to respond to our order. We therefore

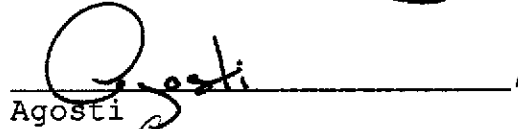
¹This court noted that appellant apparently signed the notice of appeal on August 17, 2000. It therefore appeared possible that the notice of appeal was delivered to prison officials within the thirty (30) day period, and might therefore be timely. *Kellogg v. Journal Communications*, 108 Nev. 474, 835 P.2d 12 (1992) (notice of appeal shall be deemed filed on the date it is delivered to a prison official).

conclude that we lack jurisdiction to entertain this appeal
and we


ORDER this appeal dismissed.



Shearing J.



Agosti J.



Leavitt J.

cc: Hon. Donald M. Mosley, District Judge
Attorney General
Clark County District Attorney
Goodman, Stein & Chesnoff
Clark County Clerk