

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LEE SPIVEY, JR.,

No. 38504

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED


NOV 14 2001

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


ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of battery with the use of a deadly weapon causing substantial bodily harm. The judgment of conviction was entered by the district court on August 13, 2001. The notice of appeal was filed on September 14, 2001, after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹ Accordingly, on September 27, 2001, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. On October 4, 2001, appellant's counsel filed a response in which counsel concedes that the notice of appeal was untimely filed. We therefore conclude that we lack jurisdiction to entertain this appeal, and we

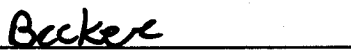
ORDER this appeal DISMISSED.



Shearing J.



Rose J.



Becker J.

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

cc: Hon. Lee A. Gates, District Judge
Attorney General/Carson City
Clark County District Attorney
McDonald & Brasier
Clark County Clerk