

IN THE SUPREME COURT OF THE STATE OF NEVADA

HENRY WARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40391

FILED

JAN 06 2003

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

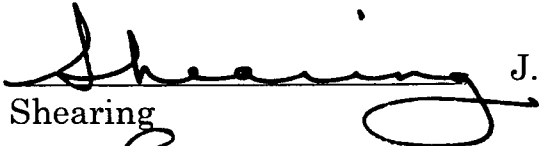
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of battery with a deadly weapon. The judgment of conviction was entered by the district court on September 5, 2002. The notice of appeal was filed on October 18, 2002, after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹


Accordingly, on November 5, 2002, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. On November 25, 2002, counsel filed a response wherein counsel conceded that the notice of appeal was not timely filed "due to a

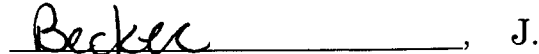
¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

miscommunication." We therefore conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. Connie J. Steinheimer, District Judge
Jack A. Alian
Jenny Hubach
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk