

IN THE SUPREME COURT OF THE STATE OF NEVADA

VIRGIL STEPHENS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 41841

FILED

AUG 27 2003

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Our review of this appeal indicates that the district court entered its order denying appellant's petition on April 25, 2003. The district court served notice of entry of that order on appellant on April 25, 2003. Appellant did not file the notice of appeal, however, until July 28, 2003, well after the expiration of the thirty-day appeal period prescribed by NRS 34.575. An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

*Shearing*  
\_\_\_\_\_  
Shearing J.

*Leavitt*  
\_\_\_\_\_  
Leavitt J.

*Becker*  
\_\_\_\_\_  
Becker J.

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

cc: Hon. David A. Huff, District Judge  
Virgil Stephens  
Attorney General Brian Sandoval/Carson City  
Lyon County District Attorney  
Lyon County Clerk