

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDOLPH PATTERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42868

FILED

APR 26 2004

ORDER DISMISSING APPEAL

JANETTE K. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

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 with substantial bodily harm. The judgment was entered by the district court on January 21, 2004. The notice of appeal was filed on February 25, 2004, 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 March 15, 2004, this court ordered appellant's counsel Frank P. Kocka to show cause why this appeal should not be dismissed for lack of jurisdiction. Kocka has failed to respond to this court's order. We therefore conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.

Becker
_____, J.
Becker

Agosti
_____, J.
Agosti

Gibbons
_____, J.
Gibbons

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

cc: Hon. John S. McGroarty, District Judge
Kocka & Bolton
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk