

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS J. BALBONI, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50112

**FILED**

SEP 25 2007

ORDER DISMISSING APPEAL

ANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY A. Alvarado  
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a nolo contendere plea, of one count of lewdness with a child under the age of fourteen years. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the judgment of conviction on April 13, 2006. Appellant did not file the proper person notice of appeal, however, until August 28, 2007, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup> Accordingly, we

---


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

conclude that we lack jurisdiction to consider this appeal, and we


ORDER this appeal DISMISSED.

 \_\_\_\_\_, J.

Gibbons

 \_\_\_\_\_, J.

Cherry

 \_\_\_\_\_, J.

Saitta

cc: Hon. Steven P. Elliott, District Judge  
Jenny Hubach  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk  
Thomas J. Balboni, Jr.