

IN THE SUPREME COURT OF THE STATE OF NEVADA

LESLIE MELSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52257

FILED

SEP 18 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a stolen motor vehicle. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

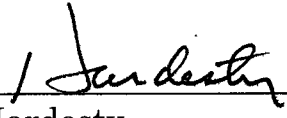
Our initial review of this appeal revealed a jurisdictional defect. Specifically, the notice of appeal appeared to be untimely. The judgment of conviction was entered on June 19, 2008. However, the notice of appeal was not filed until August 18, 2008, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b). “[A]n untimely notice of appeal fails to vest jurisdiction in this court.”¹ Accordingly, on August 25, 2008, this court ordered appellant’s counsel to show cause why this appeal should not be dismissed for lack of jurisdiction.

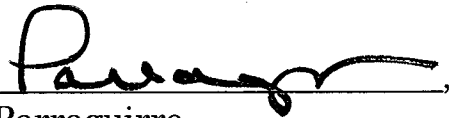
On September 3, 2008, appellant’s counsel filed a motion to stay these proceedings pending resolution of the jurisdictional issue. Attached to the motion was an affidavit by appellant’s counsel in which counsel concedes that the appeal was not timely filed. Having reviewed the documents submitted to this court, we conclude that the appeal was

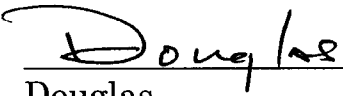
¹Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994).

not timely filed and this court lacks jurisdiction to consider this appeal. In light of this conclusion, we deny the motion for a stay, and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Janet J. Berry, District Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk
Leslie Melson