

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 52284

**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 embezzlement of a motor vehicle. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Appellant filed the notice of appeal in proper person. However, because this appeal is subject to the provisions of Nevada Rule of Appellate Procedure 3C, appellant's trial counsel is counsel of record for appellant in this appeal.

On September 3, 2008, appellant's counsel filed a motion requesting a stay of these proceedings pending the resolution of a jurisdictional issue. In the affidavit attached to the motion, appellant's counsel states that, as part of his duty of candor to this court,<sup>1</sup> he is obligated to inform the court that the notice of appeal was untimely filed and it appears that this court lacks jurisdiction to consider this appeal.

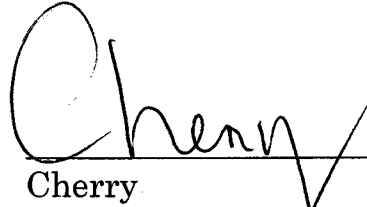
Having reviewed the documents filed in this matter, we conclude that the notice of appeal was not timely filed and, therefore, we

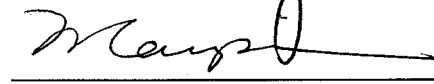
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<sup>1</sup>Nevada Rule of Professional Conduct 3.3(a)(2).

lack jurisdiction to consider this appeal. In light of this conclusion, we deny the motion for a stay, and we

ORDER this appeal DISMISSED.

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

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

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

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