

IN THE SUPREME COURT OF THE STATE OF NEVADA

CIRO HERIBERTO GONZALEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63876

FILED

OCT 31 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a second amended judgment of conviction, pursuant to a guilty plea, of attempted statutory sexual seduction. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.

Our review of this appeal revealed potential jurisdictional defects. Specifically, the appeal appeared to be untimely and, since the second amended judgment inures a benefit to appellant by removing the “special sentence of lifetime supervision” portion, appellant did not appear to be an aggrieved party. See NRAP 4(b) (prescribing 30-day appeal period); NRS 177.015 (only aggrieved party may appeal); *Edwards v. State*, 112 Nev. 704, 709, 918 P.2d 321, 325 (1996). Accordingly, on September 3, 2013, we directed appellant’s counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, counsel submitted a Nevada Department of Corrections appeal log, evidencing the appeal as timely filed. See NRAP 4(d); *Kellogg v. Journal Communications*, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992). However, while the appeal is timely, counsel confirms that the second amended judgment of conviction inures a benefit to appellant and thus appellant is

not an aggrieved party. Therefore, we lack jurisdiction to entertain this appeal and we

ORDER this appeal DISMISSED.

J. Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Nancy L. Porter, District Judge
Ciro Heriberto Gonzalez
Lockie & Macfarlan, Ltd.
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk