

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADELBERT AVERY CROSBY, SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40388

ADELBERT A. CROSBY, SR.,
Appellant
vs.
THE STATE OF NEVADA
DEPARTMENT OF HUMAN
RESOURCES, DIVISION OF CHILD
AND FAMILY SERVICES,
Respondent.

No. 41055

FILED

MAY 08 2003

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

ORDER DISMISSING APPEALS

Docket No. 40388 is a proper person appeal from a "March 6, 2002 judgment of conviction," and Docket No. 41055 is a proper person appeal from a proposed permanency plan order concerning appellant's minor daughter.

Our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) reveals jurisdictional defects. First, in Docket No. 40388, the notice of appeal, which lists a juvenile case number,

states that it is an appeal from a judgment of conviction. The district court docket entries from the juvenile proceeding do not reference any March 6, 2002 judgment. And, no judgment of conviction would be entered by the juvenile court in any event.¹ Under NRAP 3, a notice of appeal must include the district court case number, must specify the parties to the action, and designate the judgment appealed from.² Here, appellant has completely failed to comply with NRAP 3(e). To the extent that appellant is attempting to appeal from a criminal conviction, this appeal is defective. Appellant has not even listed a criminal case number. Moreover, to the extent that he is attempting to appeal from an order in the juvenile proceedings, the notice of appeal fails to designate any appealable order entered in the juvenile proceedings, and this court lacks jurisdiction.


Another jurisdictional defect is present in Docket No. 41055. Appellant designates the January 22, 2003 proposed permanency plan order as the order he is appealing from. The January order is a temporary

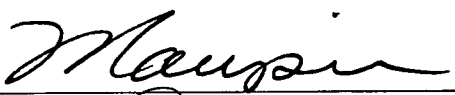
¹See NRS 62.031(2) (providing that the purpose of juvenile court proceedings is to establish, supervise and implement preventative programs designed to help minors avoid the jurisdiction of the juvenile justice system).


²See NRAP 3(a)(1); NRAP 3(a)(2)(c).

order, and is not appealable because it is subject to review and modification by the district court.³ As we lack jurisdiction, we

ORDER these appeals DISMISSED.⁴


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

³NRAP 3A(b)(2) (providing that an order that finally establishes or alters child custody may be appealed); see In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989) (holding that no appeal may be taken from a temporary order subject to periodic mandatory review); Sugarman Co. v. Morse Bros., 50 Nev. 191, 255 P. 1010 (1927) (indicating that no appeal may be taken from a temporary restraining order).

⁴We note that appellant's failure to pay the filing fee required by NRS 2.250(1)(a) could constitute an independent basis on which to dismiss these appeals.

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Adelbert Avery Crosby Sr.
Clark County Clerk