

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD JAY KRAVETZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41883

FILED

SEP 22 2004

ORDER DISMISSING APPEAL

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

On August 5, 2003, appellant Richard Kravetz filed with the clerk of the Eighth Judicial District Court a proper person notice of appeal.¹ Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge and Gerald W. Hardcastle, District Judge, Family Court Division. The notice of appeal recites that appellant seeks to appeal from:

the entry of judgment by the FAMILY COURT DISTRICT OF NEVADA, filed in the above action July 3, 2003. [A]lso, the DISTRICT COURT OF NEVADA, asking for DE NOVO review on the REVOCATION HEARING, which caused Defendant, to lose his Two Children.

The notice of appeal also lists two Eighth Judicial District Court case numbers: J70229 (a civil matter involving parental rights) and C158600 (a criminal matter concerning appellant's felony conviction and sentence for the crime of battery with substantial bodily harm).

¹The notice of appeal states that appellant seeks to appeal to the United States Court of Appeals of the Ninth Circuit. Because appellant sent the proper person notice of appeal to the Eighth Judicial District Court Clerk, however, we have nonetheless treated the notice of appeal as an attempt to invoke this court's appellate jurisdiction.

Pursuant to NRAP 3(e), the clerk of the district court has transmitted the notice of appeal and other documents to the clerk of this court. Our review of these documents reveals that this court lacks jurisdiction to entertain this appeal.

First, as this court has previously concluded, the district court's order of July 3, 2003, is not an appealable determination.² In dismissing appellant's prior appeal from that order, this court noted that appellant's paternal rights had been previously terminated³ and that the district court's order of July 3, 2003, concerned visitation rights of the paternal grandmother of the children. Because no statute or rule of court authorizes an appeal by appellant from such an order, this court dismissed the appeal for lack of jurisdiction. Therefore, as this court has previously concluded, to the extent that appellant is attempting in the instant case to appeal from the district court's visitation determinations of July 3, 2003, this court lacks jurisdiction to consider the appeal.


Second, appellant has not filed a timely notice of appeal from any appealable determinations of the district court entered in appellant's criminal case. Appellant was convicted and sentenced to probation on August 9, 1999. On October 11, 1999, the district court entered an order revoking appellant's probation. On September 6, 2001, the district court entered an order denying appellant's motion to set aside the revocation determination. Appellant's notice of appeal in the

²See In re Parental Rights as to K.D.L. and S.P.K.K., No. 41888 (Order Dismissing Appeal, September 4, 2003).

³See Matter of Parental Rights as to K.D.L., 118 Nev. 737, 58 P.3d 181 (2002).

instant case was not filed in the district court until August 5, 2003, well after the expiration of any applicable appeal period. Accordingly, to the extent that appellant seeks this court's appellate review of any appealable determinations of the district court in the criminal case, appellant has failed to file a timely notice of appeal properly invoking this court's appellate jurisdiction.

In light of the above, we hereby
ORDER this appeal DISMISSED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Donald M. Mosley, District Judge
Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Richard Jay Kravetz
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk