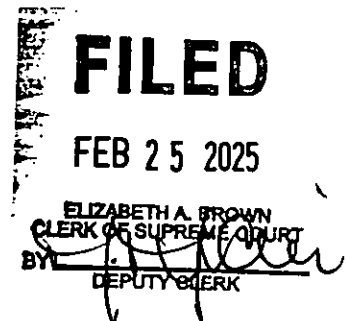


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANCISCO VIDAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88741-COA



ORDER OF AFFIRMANCE

Francisco Vidal appeals from a district court order denying a motion for a new trial filed on November 7, 2023. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

In his motion, Vidal contended the State did not claim his neglect caused his daughter "substantial bodily harm," only that it caused her death.¹ Vidal also contended the admission of graphic autopsy photographs resulted in extreme prejudice.

"[A] motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt." NRS 176.515(3). In contrast, "[a] motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period." NRS 176.515(4). Vidal did not allege that the motion was based upon newly discovered evidence, and he filed the motion more than nine years after the jury entered its verdict on May 28, 2014. Therefore,


¹Vidal was convicted of one count of child abuse, neglect, or endangerment with substantial bodily harm and one count of child neglect or endangerment.


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Vidal's motion was untimely filed. Accordingly, we conclude the district court did not err by denying the motion, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Eric Johnson, District Judge
Francisco Enrique Vidal
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk