



or suspended sentence.

Having reviewed the record in this case, the Court finds that the appellant did not timely file the notice of appeal. Neither the oral motion to dismiss nor the written motion for reconsideration is a proper post-judgment motion that would toll the time for filing the notice of appeal. Regardless, the motions were made well after the thirty day period for filing the notice of appeal, and, therefore, would be considered untimely.

Accordingly, since the notice of appeal was not timely filed in this case, for the reasons stated above, it is hereby ORDERED that the above-captioned appeal is dismissed. While T.R.A.P. 4 permits this Court to waive the timely filing of the notice of appeal in the interest of justice, this Court finds that waiver is not warranted in this case. Costs of this proceeding shall be taxed to the appellant.

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DAVID G. HAYES, JUDGE

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JOE G. RILEY, JUDGE

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JOHN EVERETT WILLIAMS, JUDGE