IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN BRADLEY HODGES, Appellant,

vs.

THE STATE OF NEVADA,

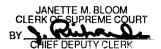
Respondent.

No. 47164

FILED

MAY 25 2006

ORDER DISMISSING APPEAL



This is a proper person appeal from an order denying a motion to correct an illegal sentence. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

This court's preliminary review of this appeal reveals a jurisdictional defect. Specifically, the district court entered the order denying the motion to correct an illegal sentence on December 22, 2005. Appellant did not file the notice of appeal, however, until April 18, 2006, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this

(O) 1947A

¹Appellant states that he did not receive a copy of the order denying his motion until April 4, 2006. However, an appeal from an order denying a motion to correct an illegal sentence must be filed within 30 days after entry of the order; notice of entry of the order is not required and the failure to serve notice of entry of the order does not toll the time for filing a timely notice of appeal. See Edwards v. State, 112 Nev. 704, 709, 918 P.2d 321, 325 (1996) (holding that an appeal from an order denying a continued on next page...

court.² Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Douglas J.

Becker, J

Parraguirre, J.

cc: Hon. Steven P. Elliott, District Judge Steven Bradley Hodges Attorney General George Chanos/Carson City Washoe County District Attorney Richard A. Gammick Washoe District Court Clerk

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motion to correct or modify an illegal sentence must be filed within 30 days from entry of the order).

²See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).