

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

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

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).¹ An untimely notice of appeal fails to vest jurisdiction in this

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.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

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

... continued

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).