

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD DAVID MORROW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50358

FILED

NOV 13 2007

JANETTE M. BOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a motion to reconsider and modify sentence. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.


This court's review of this appeal reveals jurisdictional defects. First, this court lacks jurisdiction over an appeal from the denial of a motion for reconsideration.¹ Second, to the extent that appellant's motion may be construed as a motion for sentence modification, appellant's notice of appeal from the denial of his motion was untimely; the order denying the motion was entered on August 16, 2007, and appellant did not file his

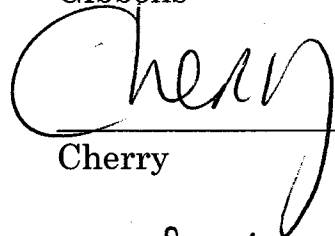
¹See Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995); Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).


notice of appeal until October 5, 2007, after the thirty-day appeal period.²

Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Donald M. Mosley, District Judge
Richard David Morrow
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²See NRAP 4(b); Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996); Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994). A second notice of appeal was filed on October 8, 2007.