## IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT SYLVESTER, Appellant, vs. THE STATE OF NEVADA, Respondent. No. 51071

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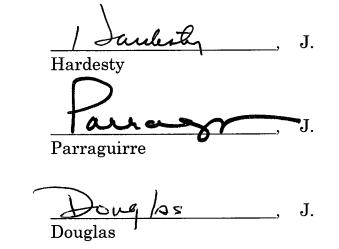
## **ORDER DISMISSING APPEAL**

This is an appeal from an order of the district court denying appellant's motion to reconsider sentence. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Our initial review of this appeal revealed a potential jurisdictional defect. Specifically, no statute or court rule provides for an appeal from an order denying a motion for reconsideration.<sup>1</sup> Because this court was concerned that the order may have been appealable if the substance of the denied motion was the functional equivalent of a motion to modify sentence, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant's response was due to be filed by March 17, 2008. To date, appellant's counsel has failed to respond to the order to show cause.

<sup>1</sup>See <u>Phelps v. State</u>, 111 Nev. 1021, 900 P.2d 344 (1995); <u>see also</u> <u>Castillo v. State</u>, 106 Nev. 349, 792 P.2d 1133 (1990).

SUPREME COURT OF NEVADA Having reviewed the documents before this court, we conclude that this court lacks jurisdiction to consider this appeal. Accordingly, we ORDER this appeal DISMISSED.



cc: Hon. Michelle Leavitt, District Judge Stein & Rojas Attorney General Catherine Cortez Masto/Carson City Clark County District Attorney David J. Roger Eighth District Court Clerk Robert Sylvester

SUPREME COURT OF NEVADA

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