

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT SYLVESTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51071

FILED

MAY 20 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

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.¹ 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.

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

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

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

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