

IN THE SUPREME COURT OF THE STATE OF NEVADA

ABELL DIEUDONNE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55099

FILED

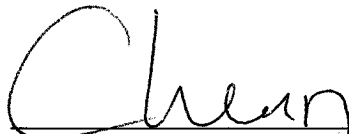
FEB 03 2010


TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY:  DEPUTY CLERK


ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion for modification of sentence. Eighth Judicial District Court, Clark County; Doug Smith, Judge. The notice of appeal was filed more than 30 days after entry of the order denying the motion and thus was untimely. See NRAP 4(b)(1)(A); Edwards v. State, 112 Nev. 704, 918 P.2d 321 (1996). We decline appellant's invitation to overrule Edwards or to read a service or notice-of-entry provision into the applicable appeal period. Because the notice of appeal was not timely filed, we lack jurisdiction, Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994), and therefore

ORDER this appeal DISMISSED.

  
Cherry, J.

  
Saitta, J.

  
Gibbons, J.

cc: Hon. Doug Smith, District Judge  
Special Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk  
Abell Dieubonne