

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUG B. ANSELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57677

FILED

MAR 15 2011

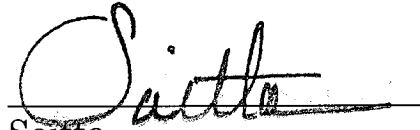
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Moor
DEPUTY CLERK

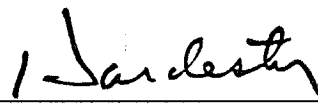
ORDER DISMISSING APPEAL

This is an appeal from a district court "Order Denying Defendant's Motion to Set Aside Conviction Based Upon Legal Impossibility." Eighth Judicial District Court, Clark County; Michael Villani, Judge. Because it appeared that no statute or court rule provided for an appeal from such an order, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. See Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). In response, appellant asserts that if his conviction is illegal the sentence is also illegal and therefore the order is appealable as an order denying a motion to correct an illegal sentence. See NRS 176.555. We disagree. Based on the documents submitted in this court, it appears that appellant challenged the validity of his conviction and did not move to correct an illegal sentence. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996) (a motion to correct an illegal sentence may not be used to challenge the validity of the conviction). No statute or court rule provides for an appeal from an order denying a motion to set aside a conviction based upon legal impossibility. Moreover, to the extent appellant argues that he is appealing the judgment of conviction pursuant to NRS

177.015(4), such an appeal is untimely. See NRAP 4(b)(1)(A). We lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Michael Villani, District Judge
Mueller Hinds & Associates
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Doug B. Ansell