

IN THE SUPREME COURT OF THE STATE OF NEVADA

KWAUYSHAWN WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58796

FILED

NOV 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingersoll
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellant's motion for credit for time served. Eighth Judicial District Court, Clark County; J. Charles Thompson, Judge. Because it appeared that the order designated on appeal was not substantively appealable, on October 19, 2011, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, appellant states that "[t]he motion [for] credit for time served was essentially a motion to reconsider and a motion challenging the sentence in this case" and argues that "because that motion was the functional equivalent of a motion challenging the validity of the sentence . . . [it] is appealable to this Court."

As appellant acknowledges in his response, the motion for credit for time served was a challenge to the judgment of conviction and sentence that should have been raised on direct appeal. See Griffin v. State, 122 Nev. 737, 745-46, 137 P.3d 1165, 1170 (2006). To the extent that appellant asserts that this appeal should be construed as an appeal from the judgment of conviction, the notice of appeal was not timely filed. See NRAP 4(b)(1)(A). Further, no statute or court rule provides for an appeal from an order denying a motion for credit for time served or a

motion for reconsideration. See Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990); Phelps v. State, 111 Nev. 1021, 1022, 900 P.2d 344, 345 (1995). Therefore, we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Chief Judge, The Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Benjamin C. Durham
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Kwauyshawn Williams