

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW YOUNG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35463

FILED

MAR 23 2000

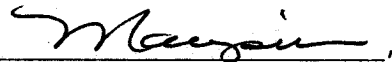
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

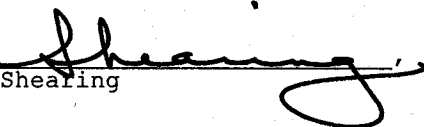
ORDER DISMISSING APPEAL

On January 5, 2000, appellant filed a notice of appeal in the district court. Appellant's notice of appeal states that he is appealing from "the Judgment of Conviction entered in this matter December 22, 1998 Date of Sentencing 8th day of December, 1998." Our review of this appeal indicates that the district court entered the judgment of conviction on December 28, 1998. Appellant filed his January 5, 2000 notice of appeal well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court. See *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994). Moreover, we note that appellant previously pursued an appeal from his judgment of conviction in this court, which was dismissed on April 16, 1999. *Young v. State*, Docket No. 33699 (Order Dismissing Appeal, April 16, 1999). Accordingly, we

conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal dismissed.¹


Maupin J.


Shearing J.


Becker J.

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General
Clark County District Attorney
Andrew Young
Clark County Clerk

¹To the extent appellant appeals from the order denying his motion for amended judgment of conviction to include jail time credits, we conclude that we lack jurisdiction to consider this appeal. The district court entered the order denying his motion on August 3, 1999. Appellant did not file the notice of appeal, however, until January 5, 2000, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.

Finally, to the extent appellant appeals from the December 20, 1999 order of the district court denying his motion for reconsideration, we conclude that we lack jurisdiction to consider this appeal. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. *Castillo v. State*, 106 Nev. 349, 792 P.2d 1133 (1990). No statute or court rule provides for an appeal from a district court order denying a motion for reconsideration. See *Phelps v. State*, 111 Nev. 1021, 900 P.2d 344 (1995).