

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEARCY BEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60044

**FILED**

FEB 27 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Ingerow*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court "Order Denying Defendant's Motion to Vacate his Judgment of Conviction and for Reassignment and Resentencing in New District Court Department." Eighth Judicial District Court, Clark County; Jerome T. Tao, 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 because the motion denied by the district court was based on constitutional and "other reasonable grounds that challenged the legality of the proceedings" an appeal is authorized by NRS 177.015(4). We disagree.

NRS 177.015(4) allows an appeal from a final judgment resulting from a guilty plea if it is based on "reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings." Neither NRS 177.015(4) nor any other statute or court rule provides for an appeal from an order denying a motion to vacate a judgment of conviction. Moreover, to the extent appellant contends 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.

Cherry, J.  
Cherry

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Hon. Jerome T. Tao, District Judge  
James J. Ruggeroli  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk  
Dearcy Bey