

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDYN WILLIAM GAYLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62612

FILED

APR 09 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion to reconsider revocation of probation. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

We ordered appellant's counsel to show cause why this appeal should not be dismissed because no statute or court rule authorizes an appeal from an order denying reconsideration. See Phelps v. State, 111 Nev. 1021, 1022, 900 P.2d 344, 345 (1995); Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). In response, counsel asserts that this court has jurisdiction because the motion filed below sought to modify the sentence imposed after revocation of probation. The record before this court does not establish that appellant sought to modify his sentence and it does not appear that the district court treated the motion for reconsideration as a motion to modify. Because appellant has failed to

establish this court's jurisdiction, we

ORDER this appeal DISMISSED.

J. Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Jerome T. Tao, District Judge
Turco & Draskovich
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk