

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL OWENS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63897

FILED

SEP 17 2013

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of conspiracy to commit robbery. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

We lack jurisdiction because the notice of appeal was filed in the district court on August 26, 2013, well after the 30-day appeal period prescribed by NRAP 4(b). *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (“[A]n untimely notice of appeal fails to vest jurisdiction in this court.”).


To the extent that appellant is attempting to appeal from the order denying his motion to modify sentence entered on July 10, 2013, or the district court’s denial of this motion for reconsideration, the appeal is also untimely as to the July 10, 2013, order, *see* NRAP 4(b); a motion for reconsideration is not a tolling motion; and an order denying a motion for reconsideration is not appealable, *see Phelps v. State*, 111 Nev. 1021, 900 P.2d 344 (1995); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135

(1990) (where no statute or court rule provides for appeal, no right to appeal exists). Therefore we

ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Michael Villani, District Judge
Daniel Owens
Carl E. G. Arnold
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk