

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD CHARLTON WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64034

FILED

OCT 31 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

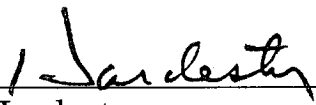
This is an appeal from “the judgment of conviction in a Criminal Case entered on June 28, 2013, and the denial of WILLIAMS’ Motion to Reconsider, written entry of which [was] entered on September 3, 2013.” Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

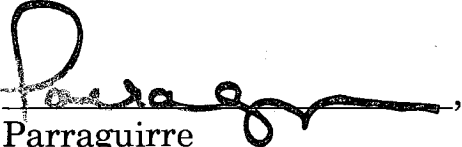
On September 23, 2013, we ordered appellant’s counsel to show cause why this appeal should not be dismissed for lack of jurisdiction, noting that the appeal was not timely filed with respect to the judgment of conviction, *see* NRAP 4(b)(1)(A), a motion for reconsideration is not a tolling motion, *see* NRAP 4(b)(3), and an order denying a motion for reconsideration is not appealable, *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) (where no statute or court rule provides for an appeal, no right to appeal exists). In response, counsel informs this court that the motion for reconsideration alternatively requested withdrawal of the guilty plea and appellant is appealing from the denial of his request to withdraw the guilty plea. *See Hargrove v. State*, 100 Nev. 498, 501, 686

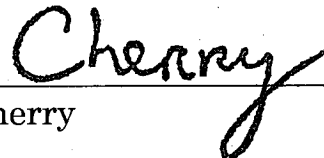
P.2d 222, 224 (1984) (providing that a post-conviction motion to withdraw a guilty plea is an appealable order under NRS 177.015(1)(b)).

We lack jurisdiction because the notice of appeal was not timely filed from the judgment of conviction and the order denying appellant's motion to reconsider his sentence is not appealable. We further lack jurisdiction to the extent appellant is attempting to appeal from the denial of his motion to withdraw the guilty plea, because the notice of appeal does not designate the denial of the motion to withdraw as the subject of this appeal, *see* NRAP 3(c)(1)(B), and the September 3, 2013, order denying the motion to reconsider does not resolve the motion to withdraw the guilty plea. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Jessie Elizabeth Walsh, District Judge
Law Office of Gabriel L. Grasso, P.C.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk