

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 64109

**FILED**

OCT 31 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. 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.

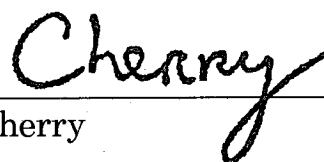
We lack jurisdiction because the notice of appeal was filed in the district court on September 26, 2013, well after the 30-day appeal period prescribed by NRAP 4(b). *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (“[A]n untimely notice of appeal fails to vest jurisdiction in this court.”). We also lack jurisdiction to the extent that appellant is attempting to appeal from the amended judgment of conviction entered January 15, 2013, the order denying his motion to modify sentence entered on July 10, 2013, or the order denying his motion for reconsideration entered September 16, 2013. The appeal is untimely as to the amended judgment of conviction and 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.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

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