

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT BERNARD BUTLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72338

FILED

MAY 19 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a "district court order granting or denying motion for house arrest." Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Our review of this appeal reveals jurisdictional defects. Specifically, an order granting or denying a motion for house arrest is not an appealable order. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists). Further, review of the docket entries indicate that no such order was entered. To the extent that appellant appeals from the judgment of conviction, the notice of appeal was untimely filed. NRAP 4(b); NRAP 26(a); NRAP 26(c). "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Jennifer P. Togliatti, District Judge
Albert Bernard Butler
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk