

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARIUS ALBRITTON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73128

FILED

JUN 09 2017

ORDER DISMISSING APPEAL

CLERK OF THE SUPREME COURT
DEPUTY CLERK
M. Wilcox

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 district court minutes and docket entries indicate that no such order was entered. To the extent that appellant appeals from the order for revocation of probation and amended 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.

J. Hardesty, J.
Hardesty

P. Parraguirre, J.
Parraguirre

J. Stiglich, J.
Stiglich

17-19171

cc: Hon. Jennifer P. Togliatti, District Judge
Law Office of John J. Momot
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Darius Albritton, Jr.