

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAURA ANN CREIGHTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.


No. 69268

LAURA ANN CREIGHTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69271

**FILED**

FEB 12 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER DISMISSING APPEALS*

These are appeals from district court orders denying a motion to reconsider sentencing. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Because our initial review of these appeals revealed a jurisdictional defect, we directed appellant's counsel to show cause why these appeals should not be dismissed for lack of jurisdiction. Specifically, it appeared that the orders appealed from were not substantively appealable. *See Phelps v. State*, 111 Nev. 1021, 1022, 900 P.2d 344, 345 (1995) (no statute or court rule provides for an appeal from an order denying a motion for reconsideration); *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). Appellant's counsel has filed a response<sup>1</sup> to the order to show cause, and respondent's counsel has filed a reply.

<sup>1</sup>On January 26, 2016, this court entered an order in Docket No. 69268 granting appellant's motion for an extension of time to file the  
*continued on next page . . .*

In his response, appellant's counsel states that he mistakenly filed the notices of appeal from the orders denying the motion for reconsideration, when he meant to file the notices of appeal from the judgments of conviction. Judgments of conviction in the underlying matters were entered on October 7, 2015. Appellant's notices of appeal were not filed until November 19, 2015, well after the time allowed for filing the notices of appeal in NRAP 4(b). Thus, either way, we lack jurisdiction to consider these appeals. *See Phelps*, 111 Nev. at 1022, 900 P.2d at 345; *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (an untimely notice of appeal fails to vest jurisdiction in this court); NRAP 26(b)(1)(A). Accordingly, we

ORDER these appeals ~~DISMISSED~~.

\_\_\_\_\_, J.  
Douglas

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

\_\_\_\_\_, J.  
Gibbons

... continued

response to the order to show cause. Appellant's response was due to be filed by February 2, 2016. To date, appellant has failed to file the response. However, the response to the order to show cause filed in Docket No. 69271 indicates that the response was intended for "Supreme Court Case No.: 69269 & 69271." Thus, it appears that appellant's counsel made a clerical error, and we will construe the response filed in Docket No. 69271 as also intended to respond to the order to show cause filed in Docket No. 69268.

cc: Hon. Robert W. Lane, District Judge  
Mueller Hinds & Associates  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk