

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCISCO JAVIER SANCHEZ,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 38968

**FILED**

JAN 22 2002

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a motion for specific performance of plea agreement or to withdraw plea and an order denying a motion for reconsideration. Our review of this appeal reveals jurisdictional defects.

First, appellant's appeal from the order denying his motion for specific performance of plea agreement or to withdraw plea is untimely. The district court entered the order denying his motion on October 15, 2001. Appellant did not file the notice of appeal, however, until December 18, 2001, after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.<sup>1</sup> Therefore, we lack jurisdiction to consider appellant's appeal from this order.

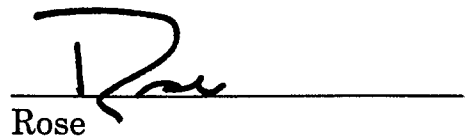
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<sup>1</sup>See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

Second, this court lacks jurisdiction to consider appellant's appeal from the order denying his motion for reconsideration. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>2</sup> No statute or court rule provides for an appeal from an order denying a motion for reconsideration.<sup>3</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

 J.  
Shearing

 J.  
Rose

 J.  
Becker

cc: Hon. Donald M. Mosley, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Francisco Javier Sanchez  
Clark County Clerk

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<sup>2</sup>Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

<sup>3</sup>See Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995).