

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMAR ALEXANDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39140

FILED

MAR 25 2002

JANE ITE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

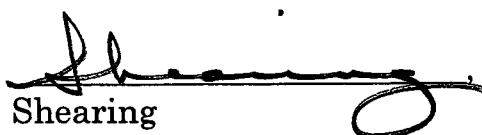
This is a proper person appeal from an order of the district court denying appellant's pre-judgment motion to suppress evidence and pre-judgment motion to withdraw a guilty plea. Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for a separate and independent appeal from an order of the district court denying a pre-judgment motion to suppress evidence and pre-judgment motion to withdraw a guilty plea.² Further, to the extent that appellant was seeking to directly appeal his conviction, appellant's notice of appeal was untimely filed. The district court entered a judgment of conviction on March 14, 2001. Appellant did not file the notice of appeal, however, until January 25, 2002, well after the expiration

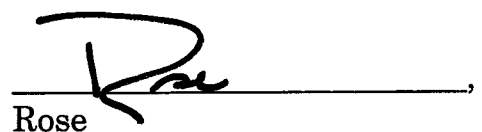
¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

²See NRS 177.015(3) ("The defendant only may appeal from a final judgment or verdict in a criminal case."); NRS 177.045 ("Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed."); Lee v. State, 115 Nev. 207, 210, 985 P.2d 164, 166 (1999) ("[A] district court's ruling on a pre-judgment motion to withdraw a guilty plea is reviewable on direct appeal from the judgment as an intermediate order in the proceeding.").

of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.³ 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. John S. McGroarty, District Judge
Attorney General/Carson City
Clark County District Attorney
Lamar Alexander
Clark County Clerk

³Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).