

IN THE SUPREME COURT OF THE STATE OF NEVADA

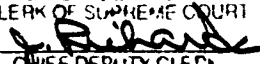
BRIAN K. WILSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42739

FILED


MAR 18 2004

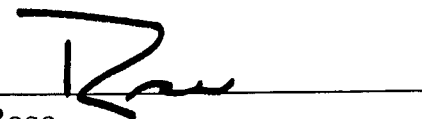
ORDER DISMISSING APPEAL

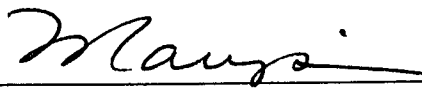
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's motion to withdraw a guilty plea. This court's review of this appeal reveals that the district court entered the order denying the motion on November 24, 2003. Appellant did not file the notice of appeal, however, until January 29, 2004, 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> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Shearing

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

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

<sup>2</sup>In the notice of appeal, appellant states that he is also appealing from the January 6, 2004 denial of his motion for rehearing. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. See Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990). No statute or court rule provides for an appeal from an order denying a motion for rehearing. See Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995). Therefore, this court lacks jurisdiction to consider this portion of the appeal.

cc: Hon. Donald M. Mosley, District Judge  
Brian K. Wilson  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk