

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK R. ZANA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87749

FILED

DEC 27 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion to correct illegal sentence and a district court order denying a motion for rehearing. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

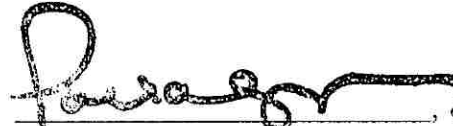
This court's review of this appeal reveals jurisdictional defects. Specifically, the district court filed its order denying the motion to correct illegal sentence on October 17, 2023. Appellant did not file the notice of appeal, however, until December 11, 2023, well after the expiration of the 30-day appeal period prescribed by NRS 34.575. See NRAP 4(b); *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (explaining that an untimely notice of appeal fails to vest jurisdiction in this court). Additionally, no statute or court rule permits an appeal from a district court order denying a motion for rehearing. See *Phelps v. State*, 111 Nev. 1021, 900 P.2d 344 (1995) (an order denying a motion for rehearing in a criminal

matter is not an appealable order); *Castillo v. State*, 106 Nev. 349, 792 P.2d 1133 (1990) (explaining that this court has jurisdiction only when statute or court rule provides for appeal). Accordingly, this court

ORDERS this appeal DISMISSED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. Crystal Eller, District Judge
Mark R. Zana
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk