

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEMAUL JAMES WHEATLEY A/K/A  
LEMUAL WHEATLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43459

FILED

AUG 26 2004

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

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's motion for a stay of judgment. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Our preliminary review of this appeal revealed a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>1</sup> No statute or court rule provides for an appeal from an order denying a motion for a stay of judgment. Accordingly, on June 25, 2004, this court ordered appellant's counsel to show cause why this appeal should not be dismissed.

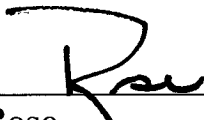
On July 15, 2004, counsel filed a response to the order to show cause. In the response, counsel informs this court that the order appealed from is essentially an order denying a motion to reconsider revocation of probation. No statute or court rule provides for an appeal from such an


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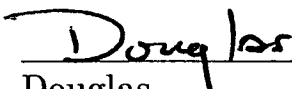
<sup>1</sup>Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

order. We therefore conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.

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

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

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

cc: Hon. Valorie Vega, District Judge  
Clark County Public Defender Philip J. Kohn  
Lemaul James Wheatley  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk