

IN THE SUPREME COURT OF THE STATE OF NEVADA

LOUIS J. TOMANINI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43646

FILED

AUG 19 2004

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 district court denying a proper person motion to re-submit motion to correct an illegal sentence and to modify sentence and a motion to reconsider. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

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 an appeal from the denial of the afore-mentioned motions. Accordingly, we

ORDER this appeal DISMISSED.

Becker _____, J.

Becker

Agosti _____, J.
Agosti

Gibbons _____, J.
Gibbons

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

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