

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK SCOTT GIARDINA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43685

**FILED**

SEP 01 2004

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court denying a motion to transport and to produce prisoner for a hearing. 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.<sup>1</sup> No statute or court rule provides for an appeal from an order denying the afore-mentioned motion. Accordingly, we

ORDER this appeal DISMISSED.

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

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

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

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

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