

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEX ANTONIO FRIXIONE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43873

FILED

NOV 15 2004

ORDER DISMISSING APPEAL

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


This is an appeal from an order of the district court denying appellant's motion to dismiss a criminal complaint. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

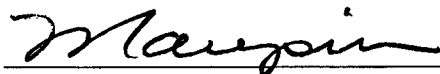
This court's preliminary review of this appeal revealed a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an appeal from an order denying a motion to dismiss a complaint. On September 20, 2004, this court ordered appellant to show cause why this appeal should not be dismissed.

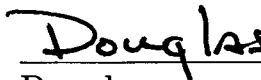
¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

On October 14, 2004, appellant filed a response to this court's order, in which appellant concedes that this court lacks jurisdiction to entertain this appeal. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Joseph T. Bonaventure, District Judge
Law Offices of Barry Levinson
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk