

IN THE SUPREME COURT OF THE STATE OF NEVADA


TYRONE LORENZO WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44278

FILED

OCT 20 2005

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant's presentence motion to withdraw his guilty plea. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

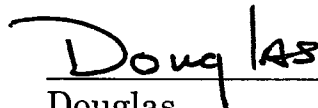
From this court's initial review of this appeal, it appeared that the appeal was prematurely filed and that this court lacked jurisdiction to consider the appeal. Specifically, appellant filed the notice of appeal on November 16, 2004, prior to sentencing and prior to the entry of the written judgment of conviction. An interlocutory order of the district court entered prior to sentencing is not an independently appealable determination, but may only be reviewed on appeal from the final judgment of conviction.¹ Therefore, this court issued an order on June 30,

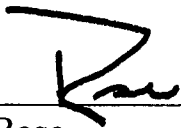
¹See Lee v. State, 115 Nev. 207, 985 P.2d 164 (1999) (a district court order denying a pre-judgment motion to withdraw a guilty plea is reviewable on direct appeal from the final judgment as an intermediate order in the proceeding); NRS 177.045; see also NRAP 4(b)(1)(a notice of appeal filed in a criminal case after the announcement of decision, but before entry of the written judgment shall be treated as filed after such entry and on the day thereof).

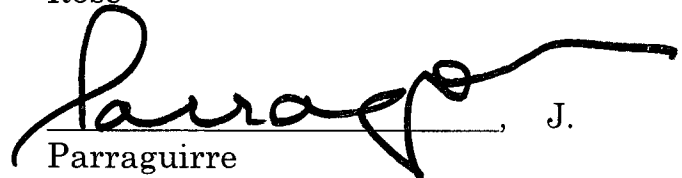
2005, directing appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction.

On August 29, 2005, appellant's counsel filed a response to this court's order. The response fails to identify any statute or court rule that provides for an interlocutory appeal from an order denying a presentence motion to withdraw a guilty plea. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.² Accordingly, we conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.³


_____, J.
Douglas


_____, J.
Rose


_____, J.
Parraguirre

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

³On July 5, 2005, this court received a letter from court reporter Gina Shrader informing this court that she would not be providing the transcripts to this court until she received an order for the transcripts from counsel. In light of this order dismissing this appeal, no action will be taken on Shrader's letter by this court.

cc: Hon. Michelle Leavitt, District Judge
Patti & Sgro, P.C.
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk
Gina Shrader