

IN THE SUPREME COURT OF THE STATE OF NEVADA

J. BENJAMIN ODOMS A/K/A JOHN
BENJAMIN ODOMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44652

FILED

APR 07 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a motion to vacate a prior order of the district court.¹ Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

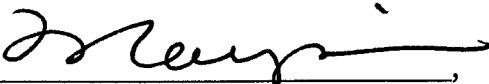
Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.² No statute or court rule provides for an


¹On February 14, 2005, appellant filed a second notice of appeal. In that notice of appeal he designated an order denying his motion to vacate entered on January 26, 2005. A review of the minutes reveals that the district court did not deny a motion to vacate on January 26, 2005. Rather, the district court continued consideration of a document labeled, "memorandum of responses." The appeal from this document is pending in this court in Docket No. 44754. Any issues relating to this document will be considered in Docket No. 44754.

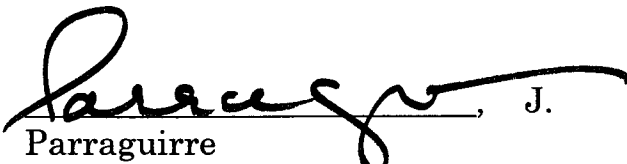
²Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

appeal from an order denying a motion to vacate a prior order of the district court in a criminal matter. Accordingly, we

ORDER this appeal DISMISSED.³


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Lee A. Gates, District Judge
J. Benjamin Odoms
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³We deny appellant's request for consolidation.