

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN CURTIZ OZUNA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45073

FILED

JUN 01 2005

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 review defendant's motion for amended judgment of conviction to include jail time credits in the alternative 'notice of appeal.'" Eighth Judicial District Court, Clark County; Jennifer Togliatti, 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 aforementioned motion.² To the extent that appellant sought to appeal from the December 3, 2004 denial of the motion for an amended judgment of conviction to include jail time credits, this


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

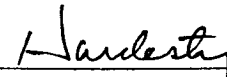
²See Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995).

court lacks jurisdiction over this appeal because the notice of appeal was untimely filed.³ Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Jennifer Togliatti, District Judge
Martin Curtiz Ozuna
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).