

IN THE SUPREME COURT OF THE STATE OF NEVADA

WALLACE EVAN SHERFIELD A/K/A
WALLACE E. SHEFIELD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45799

FILED

SEP 23 2005

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a motion for relief from judgment pursuant to NRCP 60. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

Our review of this appeal reveals a jurisdictional defect. In his motion, appellant sought reconsideration of the district court's decision denying his post-conviction petition for a writ of habeas corpus.¹ 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 appeal from a motion for relief from judgment pursuant to NRCP 60 filed

¹Petitioner's appeal from the order denying his post-conviction petition for a writ of habeas corpus is pending in this court in Docket No. 45562. In the interests of judicial economy, this court utilized the record on appeal filed in Docket No. 45562 in reviewing the instant appeal.

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

in a criminal case.³ Accordingly, we conclude that this court lacks jurisdiction to consider this appeal, and we

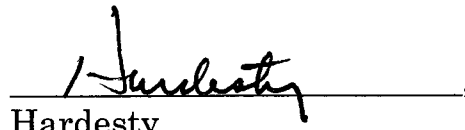
ORDER this appeal DISMISSED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Honorable Jackie Glass, District Judge
Wallace Evan Sherfield
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³A motion for relief from judgment pursuant to NRCP 60 is not a proper vehicle to seek relief from a judgment entered in a criminal case and is inconsistent with the statutory scheme established in NRS chapter 34. See NRS 34.575; NRS 34.780.