

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK SCOTT GIARDINA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45922

**FILED**

OCT 17 2005

ORDER DISMISSING APPEAL

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
JUDICIAL DEPUTY CLERK

This is a proper person appeal from a district court order denying a request for an evidentiary hearing transcript. Eighth Judicial District Court, Clark County; Donald M. Mosley, 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.<sup>1</sup> No statute or court rule provides for an appeal from an order denying a request for an evidentiary hearing transcript. Accordingly, we

ORDER this appeal DISMISSED.<sup>2</sup>

*Douglas*, J.  
Douglas

*Rose*, J.  
Rose

*Parraguirre*, J.  
Parraguirre

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

<sup>2</sup>We have received all proper person documents submitted in this matter, and we conclude no relief is warranted for the reason set forth above.

cc: Hon. Donald M. Mosley, District Judge  
Frank Scott Giardina  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk