

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK DAVID GETZ A/K/A JACK
DAVID KING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46029

FILED

MAR 24 2006

JANET M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

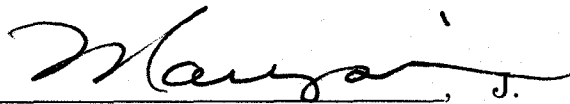
This is a proper person appeal from a decision on a petition to change records to correct legal name in a criminal case. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

This court's review of this appeal reveals jurisdictional defects. First, 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 a decision relating to a petition to change records to correct legal name in a criminal case. Second, it does not appear that appellant is an aggrieved party as the district court appeared to grant the petition in part and ordered the indictment amended to reflect appellant's legal name. Finally, to the extent that appellant did not receive all of the relief that he was seeking in his petition, appellant's challenge was improperly pursued in a petition to change records filed in a

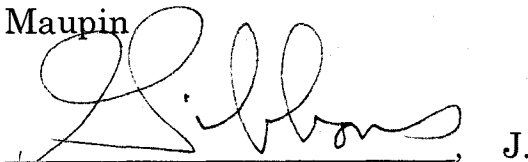
¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

criminal case. Rather, appellant should have filed a petition for a writ of mandamus as a separate civil action.² Accordingly, we

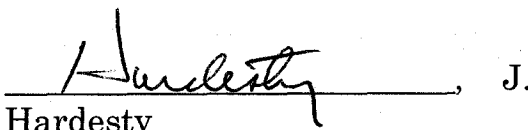
ORDER this appeal DISMISSED.³


_____ J.

Maupin


_____ J.

Gibbons


_____ J.

Hardesty

cc: Honorable Jackie Glass, District Judge
Jack David Getz
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

²To the extent that appellant challenged the effective assistance of counsel, we note that a challenge to the effective assistance of counsel may only be raised in a post-conviction petition for a writ of habeas corpus. See NRS 34.724. We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

³We have received all proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.