

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN L. SCOTT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46254

FILED

MAY 19 2006

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

This is a proper person appeal from an order denying appellant's "Motion to Set Aside Judgment (Comity)." Eighth Judicial District Court, Clark County; John S. McGroarty, Judge.

This court's 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 Appellant's motion essentially sought rehearing of the August 1, 2005, order dismissing appellant's post-conviction petition for a writ of habeas corpus.² No

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

²This court affirmed the denial of appellant's petition. Scott v. State, Docket No. 45564 (Order of Affirmance, April 18, 2006).

statute or court rule provides for an appeal from a decision denying a petition for rehearing.³ Accordingly, we

ORDER this appeal DISMISSED.⁴

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

³See Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995).

⁴To the extent that the motion to set aside judgment could be construed as a challenge to the judgment of conviction, the issues should have been raised in appellant's post-conviction habeas corpus petition, and appellant is procedurally barred from raising the issues. See NRS 34.810(1)(b)(2), (2). We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted.

cc: Eighth Judicial District Court Department 16
Steven L. Scott
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk