

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK LICON A/K/A GORDON
NELSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47001

FILED

JUL 06 2006

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a decision of the district court denying a motion for relief from judgment in a criminal case pursuant to NRCP 60(b). Eighth Judicial District Court, Clark County; Nancy M. Saitta, 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 a motion for relief from judgment in a criminal case pursuant to NRCP 60(b). Moreover, we note that the relief requested is moot; this court reversed the order of the district court denying appellant's post-conviction petition for a writ of habeas corpus and remanded the matter to the district court for a new sentencing hearing.² Any issue relating to

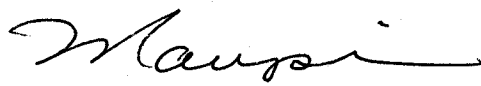
¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

²Licon v. State, Docket No. 46495 (Order of Reversal and Remand, May 19, 2006).


presentence credit can be addressed at the new sentencing hearing.

Accordingly, we

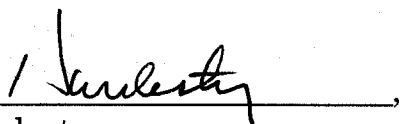
ORDER this appeal DISMISSED.³


_____ J.

Maupin


_____ J.

Gibbons


_____ J.

Hardesty

cc: Hon. Nancy M. Saitta, District Judge
Frank Licon
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³We have received the proper person documents submitted to the clerk of this court, and we conclude that no relief based upon those submissions is warranted.