

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH L. EATON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47343

FILED

JUL 10 2006

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is proper person direct appeal and an appeal from an order of the district court denying a "Motion Withdrawing State Public Defender" and a motion to transfer records. First Judicial District Court, Carson City; Michael R. Griffin, Judge.

This court's preliminary review of this appeal reveals jurisdictional defects. First, the district court entered the judgment of conviction on October 22, 2001. Appellant did not file the notice of appeal, however, until May 18, 2006, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹

Second, 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 an order of the district court

¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

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

denying the aforementioned motions. Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Maupin, J.
Maupin

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Michael R. Griffin, District Judge
Kenneth L. Eaton
Attorney General George Chanos/Carson City
Carson City District Attorney
Carson City Clerk