

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD THOMAS WILSON,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

EDWARD THOMAS WILSON,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 50057

FILED

MAR 05 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

No. 50633

BY *S. Young*
DEPUTY CLERK

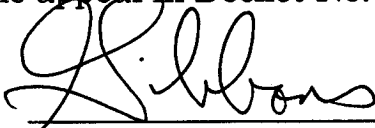
ORDER DISMISSING APPEAL AND DENYING MOTION TO
CONSOLIDATE APPEALS


These are appeals from orders denying appellant's post-conviction petition for a writ of habeas corpus and his motion to alter or amend the district court's order denying that petition. Appellant was convicted of first-degree murder, robbery with the use of a deadly weapon, and kidnapping with the use of a deadly weapon and was sentenced to death in December, 1979. On November 11, 2005, appellant filed a petition for a writ of habeas corpus. The district court entered an order denying the petition on July 16, 2007. Appellant subsequently filed a timely notice of appeal from that order and that appeal was docketed in this court as Docket No. 50057. On July 26, 2007, appellant filed a motion to alter or amend the district court's order denying post-conviction relief. The district court denied appellant's motion on October 23, 2007, and appellant subsequently filed a notice of appeal from that order. This latter appeal was docketed in this court as Docket No. 50633.

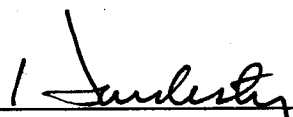
Because our initial review of the appeal in Docket No. 50633 revealed a potential jurisdictional defect, appellant was ordered to show cause why this appeal should not be dismissed for lack of jurisdiction. In his response, appellant argues that the matter at issue in his motion to

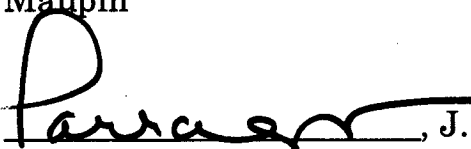
alter or amend the district court's order denying post-conviction relief "necessarily presents itself in the denial of the [post-conviction habeas] petition itself," and therefore, he is not seeking an independent determination in his appeal in Docket No. 50633. He argues, however, that the appropriate remedy is not to dismiss his appeal in Docket No. 50633, but rather to consolidate it with his appeal in Docket No. 50057. 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 an order denying a motion to alter or amend an order dismissing a post-conviction petition for a writ of habeas corpus. Therefore, we lack jurisdiction to consider the appeal in Docket No. 50633. Further, appellant's motion to consolidate the appeals in Docket Nos. 50057 and 50633 is denied. Accordingly, we

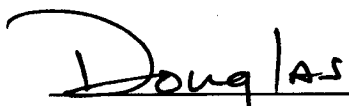
ORDER the appeal in Docket No. 50633 DISMISSED.

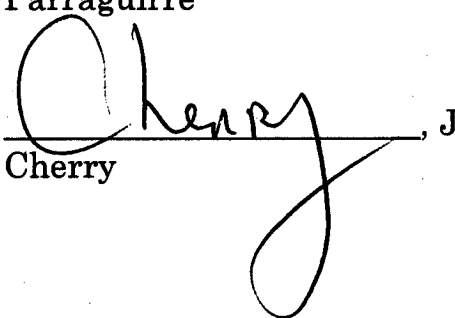

Gibbons, C.J.



Maupin, J.


Hardesty, J.


Parraguirre, J.


Douglas, J.


Cherry, J.


Saitta, J.

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

cc: Hon. Steven P. Elliot, District Judge
Boies, Schiller & Flexner, LLP
Glynn B. Cartledge
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk