

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN PITTS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51175

FILED

APR 07 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

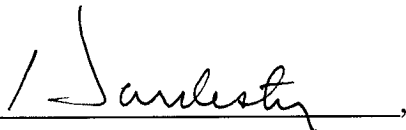
This is a proper person appeal from an order of the district court denying a motion for delayed appeal. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

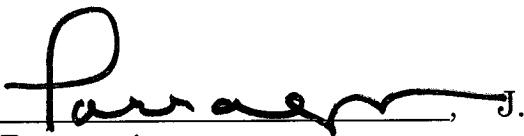
Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an appeal from an order denying a motion for delayed appeal. A claim that a criminal defendant was deprived of a direct appeal should be asserted in the district court in the first instance in a post-conviction petition for a

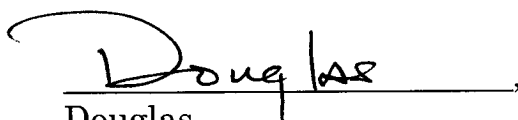
¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

writ of habeas corpus.² Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Stewart L. Bell, District Judge
Kevin Pitts
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²See NRS 34.724(2)(b); NRS 34.738(1); Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994). We express no opinion as to whether appellant could satisfy the procedural requirements of NRS chapter 34.