

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUSSELL KISER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51742

FILED

SEP 18 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

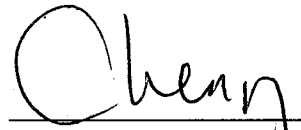
This is an appeal from an order denying a motion to review. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.


Our preliminary review of this appeal revealed a potential jurisdictional defect. Specifically, it appeared that the order identified in the notice of appeal is not substantively appealable. 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 to review. Accordingly, on July 31, 2008, this court ordered appellant's counsel Christopher Oram to show cause why this appeal should not be dismissed for lack of jurisdiction. To date, Mr. Oram has failed to file a response to the order to show cause.


¹Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990).

Having reviewed the documents submitted in this appeal,² we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. Lee A. Gates, District Judge
Christopher R. Oram
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk
Russell Kiser

²When reviewing this appeal for jurisdiction, we have considered the proper person documents that were received in this appeal on June 20, 2008, and July 25, 2008. Accordingly, the clerk of this court shall file the proper person documents.