

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR RAUL BORBON,

No. 34718

Appellant,

FILED

vs.

NOV 08 2000

THE STATE OF NEVADA,

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

Respondent.

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's nunc pro tunc motion for jail time credits.

On November 4, 1993, the district court convicted appellant, pursuant to a jury trial, of one count of burglary (count I) and one count of grand larceny (count II). The district court sentenced appellant to serve a term of six years for count I in the Nevada State Prison, adjudicated appellant a habitual criminal and then sentenced him to serve a term of ten years for count II, the terms to be served concurrently. This court dismissed appellant's appeal. Borbon v. State, Docket No. 25147 (Order Dismissing Appeal, September 4, 1996).

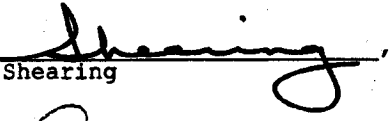
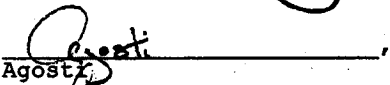

On May 12, 1994, appellant filed a proper person motion for jail time credits of 148 days from June 6, 1993, through November 4, 1993, in the district court. The State conceded that appellant's jail time credits were miscounted. On June 10, 1994, the district court ordered that appellant receive jail time credit for 142 days.

On August 3, 1998, appellant filed a proper person motion for jail time credits and good time credits in the district court, requesting 392 days of additional credit. The State opposed the motion. On September 4, 1998, the district court summarily denied appellant's motion. This court dismissed appellant's untimely appeal for lack of jurisdiction. Borbon v. State, Docket No. 33662 (Order Dismissing Appeal, April 23, 1999).

On July 16, 1999, appellant filed a proper person document entitled "request for nunc pro tunc order amending judgment of conviction to encompass jail time credits" in the district court. On July 28, 1999, the district court denied appellant's motion. This appeal followed.

In his motion, appellant raised the same issue that he raised in his August 3, 1998 motion for jail time credits. Thus, appellant's motion is essentially a motion for reconsideration. 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. *Castillo v. State*, 106 Nev. 349, 792 P.2d 1133 (1990). No statute or court rule provides for an appeal from a motion for reconsideration. Accordingly, we

ORDER this appeal dismissed.

 _____ Shearing	J.
 _____ Agosti	J.
 _____ Leavitt	J.

cc: Hon. David R. Gamble, District Judge
Attorney General
Douglas County District Attorney
Victor Raul Borbon
Douglas County Clerk