

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS STONE A/K/A THOMAS  
KENNETH STONE, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52305

**FILED**

OCT 15 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's presentence motion to withdraw his guilty plea. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

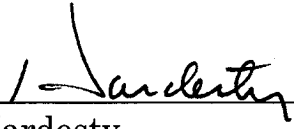
Our preliminary review of this appeal reveals a jurisdictional defect. Specifically, appellant's presentence motion to withdraw a guilty plea is an intermediate order that is not independently appealable pursuant to any statute or court rule.<sup>1</sup> Accordingly, on September 15, 2008, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, counsel

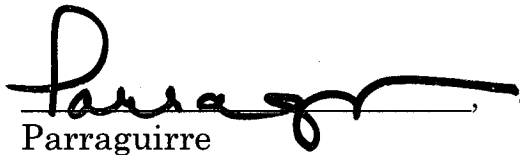
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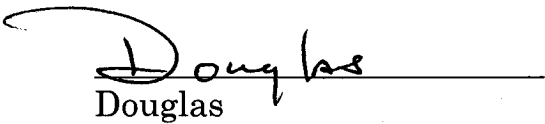
<sup>1</sup>Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (explaining that the right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists).

concedes that "this court does not have jurisdiction" and withdraws the appeal. Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Kenneth C. Cory, District Judge  
~~Thomas Earl Bragg, Jr.~~ Thomas Stone  
Thomas Stafford  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk