

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD LEE SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52772

FILED

DEC 11 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 disclosure of the presentence investigation report. Eighth Judicial District Court, Clark County; Jennifer Togliatti, 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 the aforementioned motion. Accordingly, we ORDER this appeal DISMISSED.

Maupin, C.J.

Maupin

Cherry, J.

Cherry

Gibbons, J.

Gibbons

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

cc: Hon. Jennifer Togliatti, District Judge
Edward Lee Smith
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk