

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALAN J. MILLER, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53139

**FILED**

FEB 26 2009

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

ORDER DISMISSING APPEAL


This is an appeal from an order suspending further proceedings pursuant to NRS 453.3363. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

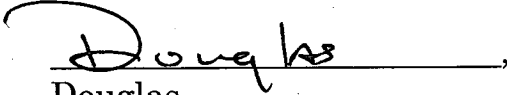
Our review of this appeal revealed a potential jurisdictional defect. Specifically, it did not appear that the order suspending further proceedings pursuant to NRS 453.3363 is a final appealable order. Accordingly, we ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction.

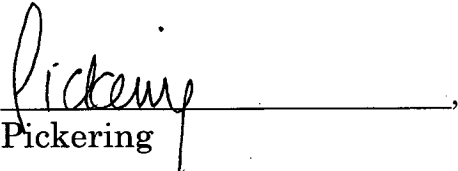
In response, appellant's counsel states that "it does not appear that there is an appealable decision at this time," and, if a judgment of conviction is ever entered in this case, there would be a final appealable judgment. Because the order appealed from suspends further proceedings without entering a judgment of conviction, we conclude that the order is not appealable as a final judgment pursuant to NRS 177.015. Further, no other statute or court rule provides for an appeal to this court from such an order. See Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (holding that the right to appeal is statutory, and where no statute or court rule provides for an appeal, no right to an appeal exists).

Accordingly, we conclude that we lack jurisdiction to consider this appeal,  
and we

ORDER this appeal DISMISSED.

  
Parraguirre

  
Douglas

  
Pickering

cc: Hon. Steve L. Dobrescu, District Judge  
State Public Defender/Carson City  
State Public Defender/Ely  
Attorney General Catherine Cortez Masto/Carson City  
White Pine County District Attorney  
White Pine County Clerk  
Alan J. Miller, Jr.