

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LEONETTI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54200

FILED

AUG 07 2009

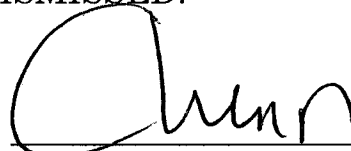
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DISMISSING APPEAL

This is a proper person appeal from a decision denying a motion for recusal. Eighth Judicial District Court, Clark County; Donald M. Mosley, 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. Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule provides for an independent appeal from a decision denying a motion for recusal. But see NRS 177.045 (upon filing an appeal from a substantively appealable order, the court may review intermediate decisions of the lower court). Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Donald M. Mosley, District Judge
Michael Leonetti
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk