

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER P. SCOTT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54267

FILED

OCT 13 2009

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

ORDER DISMISSING APPEAL

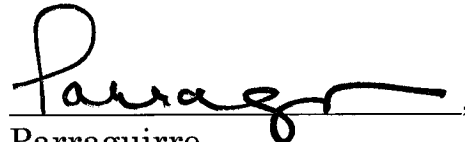
This is an appeal from "the [district court] order of the hearing master on 07-27-2009 tolling the 60 days required under [NRS] 178.556." Eighth Judicial District Court, Clark County; Eugene Martin, Pro Tem Hearing Master.

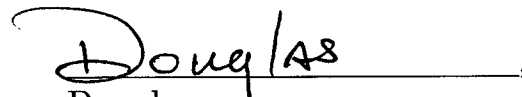
Our review of this appeal revealed a potential jurisdictional defect. Specifically, it appeared that the designated order is an intermediate order that is not independently appealable. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule provides for an independent appeal from the above identified hearing master's intermediate order. NRS 2.090(1); NRS 177.045; State v. Lewis, 124 Nev. ___, ___, 178 P.3d 146, 148 (2008) (holding that "an order that is entered before a judgment of conviction, such as an order granting a presentence motion to withdraw a guilty plea, is intermediate and therefore not generally a final, appealable determination"). 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 informs this court that he is

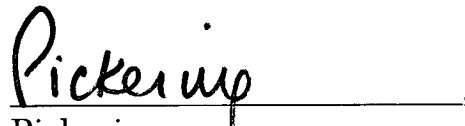
“not aware of any reason why the Notice of Appeal should not be dismissed.”

Having reviewed the documents filed in this appeal, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Eugene Martin, Pro Tem Hearing Master
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk
Peter P. Scott