

IN THE SUPREME COURT OF THE STATE OF NEVADA


JAMES ANTHONY DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54696

FILED

NOV 03 2009

ORDER DISMISSING APPEAL


TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


This is a proper person appeal from an order of the district court denying a motion for relief from judgment filed in a criminal case. Eighth Judicial District Court, Clark County; David B. Barker, 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 appeal from an order denying a motion for relief from judgment filed in a criminal case. Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Hardesty


_____, J.
Cherry


_____, J.
Gibbons

cc: Hon. David B. Barker, District Judge
James Anthony Davis
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk