

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL L. JONES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54831

**FILED**

**DEC 09 2009**

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

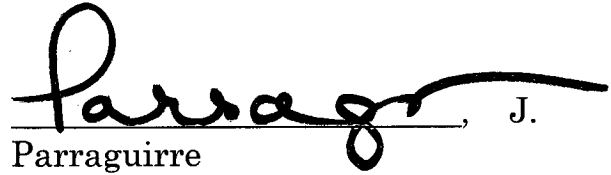
ORDER DISMISSING APPEAL

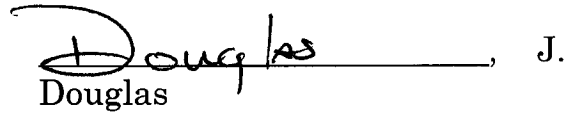
This is an appeal from an order of the district court denying appellant's pretrial motion to suppress evidence. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

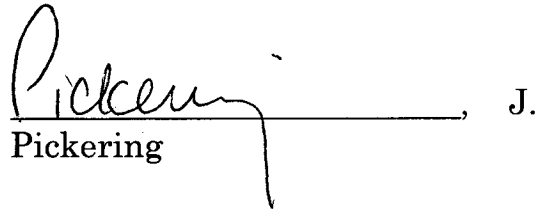
Our review of this appeal revealed a potential jurisdictional defect. Specifically, the order denying appellant's pretrial motion to suppress evidence is an intermediate order that is not independently appealable. The right to appeal is statutory; where no statute or court rule provides for an appeal, 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 appeal from an order denying a pretrial motion to suppress evidence. An order denying a pretrial motion to suppress evidence can only be challenged in a timely appeal from the judgment of conviction. NRS 177.045; Schwende v. Sheriff, 86 Nev. 143, 466 P.2d 658 (1970). Accordingly, on November 2, 2009, this court ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant's counsel failed to respond to the order to show

cause. Having reviewed the documents in this appeal, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Valerie Adair, District Judge  
Bush & Levy, LLC  
Darryl L. Jones  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk