

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN FINIS GATTIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55479

FILED

APR 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a “final judgment/order in a Criminal Case entered on the 13th day of January, 2010.” Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, appellant failed to identify an appealable order. 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). The only order filed on January 13, 2010, in district court case number CR0006026, is an order denying a motion to withdraw counsel; no statute or court rule provides for an appeal from such an order. To the extent that appellant appeals from the judgment of conviction entered on November 19, 2009, the notice of appeal is untimely as it was filed on February 16, 2010, well after the 30-day appeal period prescribed by NRAP 4(b)(1)(A). “[A]n untimely notice of appeal fails to vest jurisdiction in this court.” Lozada v. State, 110 Nev. 349, 352, 871 P.2d

944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Robert W. Lane, District Judge
Stephen Finis Gattis
Gibson & Kuehn
Attorney General/Carson City
Nye County District Attorney/Pahrump
Nye County Clerk