

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL GERARD PAGE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59282

FILED

OCT 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Anderson
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a presentence motion to withdraw a guilty plea. Eighth Judicial District Court, Clark County; Valerie Adair, Judge. The aforementioned order is an intermediate order and, as such, not a final, appealable determination.¹ See State v. Lewis, 124 Nev. 132, 135, 178 P3d 146, 148 (2008); NRS 177.045. Accordingly, we lack jurisdiction to consider this appeal, see Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists), and therefore we

ORDER this appeal DISMISSED.

Gibbons, J. Cherry, J.
Cherry
Pickering, J.
Pickering

¹We note that the judgment of conviction has not yet been entered. The denial of the presentence motion to withdraw is an intermediate decision that can be challenged in a timely appeal from the judgment of conviction. See Hargrove v. State, 100 Nev. 498, 502 n.3, 686 P.2d 222, 225 n.3 (1984).

cc: Hon. Valerie Adair, District Judge
Daniel Gerard Page
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk