

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL BENARD WADSWORTH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66583

FILED

DEC 10 2014

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

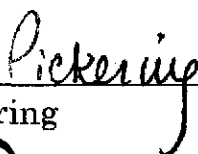
This is an appeal from a district court order denying a motion to dismiss. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

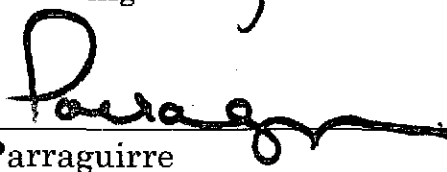
Our initial review of this appeal revealed a jurisdictional defect. In particular, no statute or court rule provides for an appeal from an order denying a motion to dismiss. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (explaining that right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists). In response to an order to show cause why this appeal should not be dismissed,¹ appellant suggests that the order is appealable because his motion to dismiss was the functional equivalent of a motion for a new trial and an order denying a motion for a new trial is appealable under NRS 177.015(1)(b). Appellant's motion was not the functional equivalent of a motion for a new trial as appellant sought dismissal of the

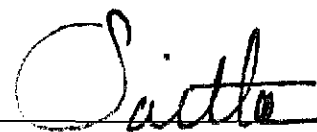
¹The motion for leave to file an untimely response to the order to show cause is granted. We have considered the response that was included with the motion.

charges (he was convicted pursuant to a jury verdict in 2006), not a new trial. Appellant also implies that the order is appealable as a final judgment and refers to NRAP 3A(b)(1). That rule governs appeals in civil actions and therefore does not apply to this case. Appellant has not identified a statute or court rule that provides for an appeal from an order denying a motion to dismiss. We therefore lack jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Connie J. Steinheimer, District Judge
Karla K. Butko
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk
Michael B. Wadsworth