

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIANE JEAN DAVIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72054

DIANE JEAN DAVIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

✓ No. 72260

**FILED**

APR 11 2017

ELIZABETH A. BROWN  
CLERK OF THE SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DISMISSING APPEAL IN DOCKET NO. 72260*

Docket No. 72054 is an appeal from a judgment of conviction. Docket No. 72260 is an appeal from an order denying a presentence motion for a directed verdict and an order denying a presentence motion for new trial. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

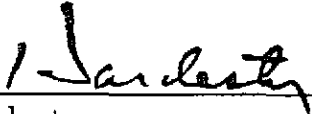
Appellant has responded to our order of March 1, 2017, in Docket No. 72260 directing her to show cause why the appeal should not be dismissed for lack of jurisdiction. Appellant concedes that no appeal lies from an order denying a presentence motion for directed verdict or from an order denying a motion for new trial. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (the right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists); *State v. Harris*, 131 Nev., Adv. Op. 56, 355 P.3d 791 (2015) (an order denying a presentence motion for a new trial is an intermediate order that can be appealed from the judgment of conviction). Accordingly, we dismiss the appeal in Docket No. 72260. Appellant may raise issues

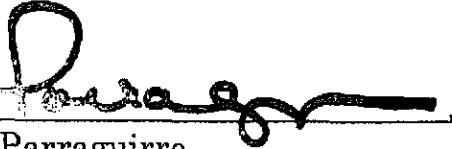
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based on the presentence motions in her appeal from the judgment of conviction in Docket No. 72054.

We deny the motions to consolidate these appeals.

It is so ORDERED.

  
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Hardesty J.

  
\_\_\_\_\_  
Parraguirre J.

  
\_\_\_\_\_  
Stiglich J.

cc: Hon. Robert W. Lane, District Judge  
Law Office of Lisa Chamlee, Ltd.  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk