

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAIMON DEVI HOYT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

DAIMON DEVI HOYT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70556

FILED

AUG 10 2016

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

No. 70557 ✓

*ORDER DISMISSING APPEAL AND DENYING
MOTION TO CONSOLIDATE*

Docket No. 70556 is an appeal from a judgment of conviction. Docket No. 70557 is an appeal from a district court order denying a presentence motion to withdraw plea/reset sentencing. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant has filed a motion to consolidate these appeals. The State opposes the motion and requests that the appeal in Docket No. 70557 be dismissed for lack of jurisdiction. *See* NRAP 27(a)(3)(B). Appellant does not oppose the request to dismiss the appeal. No statute or court rule allows an appeal from an order denying a presentence motion to withdraw a guilty plea and reset sentencing. *See Castillo v. State*, 106 Nev. 349, 792 P.2d 1133 (1990) (the right to appeal is statutory; where no statute or court rule provides for an appeal; no right to appeal exists); *State v. Lewis*, 124 Nev. 132, 136, 178 P.3d 146, 148 (2008) (an order

denying a presentence motion to withdraw a guilty plea is not generally appealable). Accordingly, we grant the motion and dismiss the appeal in Docket No. 70557. Appellant may challenge any interlocutory orders in the appeal from the final judgment. NRS 177.045. Given the dismissal of Docket No. 70557, the motion to consolidate these appeals is denied.

It is so ORDERED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk