

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT RODNEY CASTEEL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79768

**FILED**

DEC 09 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order denying a motion to correct a presentence investigation report. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

When initial review of the notice of appeal revealed a potential jurisdictional defect, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, no statute or court rule provides for an appeal from an order denying a post-judgment motion to correct a presentence investigation report. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (“[T]he right to appeal is statutory; where no statutory authority to appeal is granted, no right to appeal exists.”).

In response, appellant contends that while the motion he filed in the district court was titled a motion to correct the presentence investigation report, the motion was brought under NRS 176.565.<sup>1</sup> Thus,


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<sup>1</sup>NRS 176.565 states “Clerical mistakes in judgment, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.”

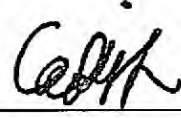
the issue before this court should be whether an order denying a motion for relief under NRS 176.565 is appealable.

No statute or court rule specifically provides for an appeal from an order denying a motion for relief under NRS 176.565. Appellant concedes that he is unaware of any case law from this court allowing an appeal from such an order. He asserts that an order denying relief under NRS 176.565 should be appealable as a final judgment and/or like an order denying relief under NRS 176.555.<sup>2</sup> Appellant fails to demonstrate that a post-judgment order denying a motion to correct a clerical error is appealable on either of these bases. And this court declines appellant's invitation to disapprove of language in *Stockmeier v. State Bd. Of Parole Comm'rs*, 127 Nev. 243, 250-51, 255 P.3d 209, 213-14 (2011) at this time. As appellant does not demonstrate that this court has jurisdiction over this appeal, this court

ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Pickering

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

  
\_\_\_\_\_, J.  
Cadish

cc: Hon. Scott N. Freeman, District Judge  
Richard F. Cornell  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>NRS 176.555 governs the correction of an illegal sentence.