

IN THE SUPREME COURT OF THE STATE OF NEVADA

MITCHELL JOHN EASTERDAY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81976

FILED

DEC 23 2020

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

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion to set aside a judgment of conviction pursuant to NRS 176A.260. Second Judicial District Court, Washoe County; David A. Hardy, Judge.


Initial review of the notice of appeal revealed a potential jurisdictional defect; no statute or court rule provides for an appeal from an order denying a request to set aside a judgment of conviction. *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). Accordingly, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

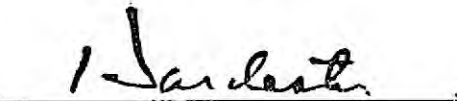
In response, appellant contends that the challenged order is appealable because it relates back to the judgment of conviction, which is an appealable order. Appellant also asserts that NRS 176A.260 is retroactive and asserts that appellant will be left without a legal remedy if no appeal is allowed. Respondent has filed a reply.

Appellant fails to demonstrate that the challenged order is appealable. The order is not a judgment of conviction appealable under NRS 177.015. And even assuming, without deciding, that NRS 176A.260 is retroactive, that statute does not provide for an appeal from an order

denying a motion to set aside a judgment of conviction. Because no statute or court rule appears to authorize an appeal from the challenged order, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.

 J.
Parraguirre

 J.
Hardesty

 J.
Cadish

cc: Hon. David A. Hardy, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk