

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC ZESSMAN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37718

**FILED**

**JUN 27 2001**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's motion to return illegally confiscated property. Our review of this appeal revealed a potential jurisdictional defect. Specifically, no statute or court rule appears to provide for an appeal from an order denying a motion to return illegally confiscated property. Accordingly, this court ordered counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.


On May 23, 2001, counsel for appellant filed a response to this court's order. In the response, counsel argues that the district court's order is a final judgment as to whether appellant's property shall be returned. NRS 177.015(3) provides that a defendant "may appeal from a final judgment or verdict in a criminal case," but the district court's order in the instant case is not a final judgment as contemplated by the statute.<sup>1</sup>

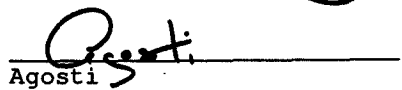
The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal

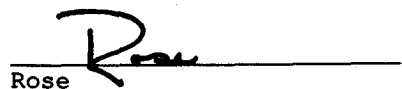
<sup>1</sup>See State v. Logan, 1 Nev. 509, 514 (1865) ("final judgment" disposes of the suit in which it is rendered).

exists.<sup>2</sup> We therefore conclude that we lack jurisdiction to entertain this appeal and we

ORDER this appeal DISMISSED.

  
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Shearing J.

  
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Agosti J.

  
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Rose J.

cc: Hon. Jeffrey D. Sobel, District Judge  
Attorney General  
Clark County District Attorney  
Clark County Public Defender  
Clark County Clerk

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<sup>2</sup>Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).