

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDY MERWIN STONE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83222

FILED

JAN 14 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion to vacate a judgment of conviction. Eighth Judicial District Court, Clark County; Michael Villani, Judge.


Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule provides for an appeal from a motion to vacate a judgment of conviction. The grounds for relief asserted in the motion had to be raised in a postconviction petition for a writ of habeas corpus.¹ NRS 34.724(2)(a), (b) (providing that except for a direct appeal from the judgment of conviction or a motion that is incident to the proceedings in the district court, a habeas corpus petition is the exclusive remedy to challenge the validity of a conviction or sentence); *Harris v. State*,


¹We express no opinion whether appellant can satisfy the procedural requirements of NRS Chapter 34.

130 Nev. 435, 438-39, 329 P.3d 619, 622 (2014) (discussing the exclusive-remedy provision and exceptions to it). Accordingly, we

ORDER this appeal DISMISSED.


Parraguirre, C.J.


Hardesty, J.


Pickering, J.

cc: Hon Michael Villani, District Judge
Randy Merwin Stone
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk