

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN KEITH RHODES,

No. 37916

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

JUL 18 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's motion for a jury instruction on material misrepresentation. Our review of this appeal revealed a potential jurisdictional defect. Specifically, the right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule appears to provide for an appeal from an order of the district court denying a jury instruction.

Accordingly, on May 31, 2001, this court ordered counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Counsel for appellant has not responded to this court's order. We therefore conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.

[Signature]

Shearing J.

[Signature]

Agosti J.

[Signature]

Rose J.

¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

cc: Hon. Michael A. Cherry, District Judge
Attorney General
Clark County District Attorney
Robert G. Lucherini, Chtd.
Clark County Clerk