

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY LEE EURITT,

No. 38157

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

**AUG 07 2001**

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court dismissing appellant's "nunc pro tunc motion to correct the courts statutory clerical errors NRS 176.565-NRS 34.738(3)."

On October 26, 2000, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted obtaining and using personal identifying information for unlawful purposes. The district court sentenced appellant to serve a minimum term of twenty-four months to a maximum term of sixty months. The district court awarded appellant forty-three days of credit for time served. Appellant did not file a direct appeal.

On February 7, 2001, appellant filed a motion for jail-time credits in the district court. Appellant argued that he should have received two hundred and twenty-eight days of credit for time served. On February 8, 2001, the district court denied appellant's petition on the ground that there was no error in the assessment of the total amount of credits.<sup>1</sup> Appellant did not file an appeal.

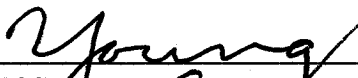
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<sup>1</sup>The district court further noted that the very issue of additional credits had been discussed at sentencing and that the State represented that the additional time should be applied to a hold arising from a California conviction.


On May 31, 2001, appellant filed a proper person document labeled "nunc pro tunc motion to correct the courts statutory clerical errors NRS 176.565-NRS 34.738(3)." Appellant again argued that he was entitled to 228 days of credit. On June 11, 2001, the district court dismissed appellant's motion. This appeal followed.

Our review of this appeal reveals a jurisdictional defect. Appellant's motion was essentially a motion for reconsideration of the February 8, 2001 order denying his motion for jail-time credits. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>2</sup> No statute or court rule provides for an appeal from an order of the district court denying a motion for reconsideration.<sup>3</sup> Moreover, appellant failed to demonstrate any clerical error relating to the February 8, 2001 order denying a motion for jail-time credits.<sup>4</sup> Accordingly, we

ORDER this appeal DISMISSED.

  
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Young J.

  
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Leavitt J.

  
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Becker J.

cc: Hon. Steven R. Kosach, District Judge  
Attorney General  
Washoe County District Attorney  
Jerry Lee Euritt  
Washoe County Clerk

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

<sup>3</sup>See Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995).

<sup>4</sup>See NRS 176.565.