

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID A. HERNANDEZ,

No. 38347

Appellant,

FILED

vs.

SEP 28 2001

THE STATE OF NEVADA,

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

Respondent.

ORDER DISMISSING APPEAL

This is a proper person appeal from a decision of the district court to deny appellant's motion requesting rehearing. 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.¹ No statute or court rule provides for an appeal from an order of the district court denying a motion requesting rehearing.² Accordingly, we ORDER this appeal DISMISSED.

Young J.
Young
Agosti J.
Agosti
Leavitt J.
Leavitt

cc: Hon. Lee A. Gates, District Judge
Attorney General
Clark County District Attorney
David A. Hernandez
Clark County Clerk

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

²See Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995).