

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH WELDON SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39491

FILED

AUG 15 2002

ORDER DISMISSING APPEAL

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

This is an appeal from an order of the district court denying appellant Joseph Weldon Smith's motion to have all prior proceedings against him declared a nullity. 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 allows for an appeal from an order denying a motion to have all prior proceedings declared a nullity, nor do we consider such a motion to be the functional equivalent of a motion for a new trial. Accordingly, we

ORDER this appeal DISMISSED

Young, J.
Young

Agosti, J.
Agosti

Leavitt, J.
Leavitt

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

cc: Hon. Lee A. Gates, District Judge
Connolly & Fujii
Attorney General/Carson City
Clark County District Attorney
Clark County Clerk