

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,

vs.

NARCUS S. WESLEY A/K/A NARCUS  
SAMONE WESLEY,  
Respondent.

No. 52127

**FILED**

JUL 31 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from a judgment of conviction. Our initial review of this appeal reveals a jurisdictional defect. Specifically, the notice of appeal was filed by the State. Pursuant to NRS 177.015(3), only the defendant may appeal from a final judgment in a criminal case. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>1</sup> No statute appears to give the State the right to appeal from a final judgment in a criminal case. Accordingly, the State shall have 10 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction.

It is so ORDERED.

Libba, C.J.

cc: Clark County District Attorney David J. Roger  
Dan M. Winder

<sup>1</sup>State v. Shade, 110 Nev. 57, 63, 867 P.2d 393, 396 (1994); Mazzan v. State, 109 Nev. 1067, 1075, 863 P.2d 1035, 1039-40 (1993).