

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,
Appellant,
vs.
JAMES BENEDETTI, WARDEN; AND
THE STATE OF NEVADA,
Respondents.

No. 75191

FILED

APR 16 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court “[fraudulent] order [a]llegedly filed in July 2017 but not [r]eceived...until 1-16-2018.” Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

This court’s review of this appeal reveals a jurisdictional defect. Review of the district court minute entries do not indicate that the district court entered any appealable order from which this court can exercise its appellate jurisdiction. To the extent that appellant appeals from the order denying a “motion to dismiss all charges with prejudice for the lack of subject matter jurisdiction of district court,” the notice of appeal was untimely filed, and no statute or court rule provides for an appeal from such an order. *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (an untimely notice of appeal fails to vest jurisdiction in this court); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (right to appeal is

statutory; where no statute or court provides for an appeal, no right to appeal exists). Accordingly, we

ORDER this appeal DISMISSED.¹

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Jerome M. Polaha, District Judge
Michael Todd Botelho
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹Given this order, we take no action on the pro se document filed on March 13, 2018.