

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESMOND FLEMING,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43288

**FILED**

JUN 09 2004

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a decision of the district court purportedly denying a motion to withdraw counsel for post-conviction relief. 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.<sup>1</sup> No statute or court rule provides for an appeal from an order denying a motion to withdraw counsel for post-conviction relief. Accordingly, we

ORDER this appeal DISMISSED.

*Becker* \_\_\_\_\_ J.  
Becker

*Agosti* \_\_\_\_\_ J.  
Agosti

*Gibbons* \_\_\_\_\_ J.  
Gibbons

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

cc: Hon. Jackie Glass, District Judge  
Desmond Fleming  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk