

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN TOLE MOXLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45506

**FILED**

SEP 15 2005

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's motion to dismiss counsel. Eighth Judicial District Court, Clark County; John S. McGroarty, Judge.

Our review of this appeal revealed 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 dismiss counsel. Accordingly, on July 15, 2005, this court ordered counsel for appellant to show cause why this appeal should not be dismissed. On August 3, 2005, counsel filed a

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

response in which counsel concedes that this court lacks jurisdiction to entertain this appeal. Accordingly, we

ORDER this appeal DISMISSED.<sup>2</sup>

Douglas, J.  
Douglas

Rose, J.  
Rose

Parraguirre, J.  
Parraguirre

cc: Hon. John S. McGroarty, District Judge  
Gregory L. Denué  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk  
John Tole Moxley

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<sup>2</sup>Because appellant is represented by counsel in this matter, we decline to grant appellant permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, the clerk of this court shall return to appellant unfiled all proper person documents appellant has submitted to this court in this matter.