

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL J. MCINERNEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45605

FILED

AUG 16 2005

ORDER DISMISSING APPEAL

JANETTE M. RUDOM
CLERK OF SUPREME COURT
BY J. Ribado
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a motion for the appointment of post-conviction counsel. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

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 provides for an appeal from an order of the district court denying a motion for the appointment of post-conviction counsel. Accordingly, we

ORDER this appeal DISMISSED.

Rose J.
Rose

Gibbons J.
Gibbons

Hardesty J.
Hardesty

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

cc: Hon. Douglas W. Herndon, District Judge
Michael J. McInerney
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk