

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 46111

FILED

NOV 22 2005

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CLERK

This is a proper person appeal from the district court's decision to deny appellant permission to represent himself at his trial on criminal charges. Eighth Judicial District Court, Clark County; Jackie Glass, Judge. Appellant has also submitted a proper person motion requesting a stay of the trial below pending appeal.

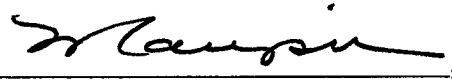
Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an appeal from a pretrial order of the district court denying a criminal defendant permission to represent himself.² Accordingly, we hereby

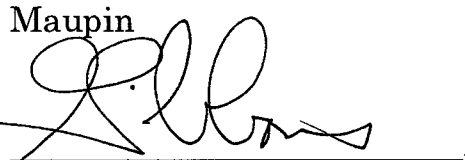
¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

²This court previously entered an order denying an original petition for a writ of prohibition or mandamus that was filed on appellant's behalf by his counsel. See Moxley v. District Court, Docket No. 46074 (Order Denying Petition, October 13, 2005). That petition challenged the same ruling of the district court denying appellant permission to represent himself that is challenged in this appeal.


dismiss this appeal for lack of jurisdiction. Further, we deny appellant's request for a stay pending appeal.

It is so ORDERED.

 J.

Maupin
 J.

Gibbons

 J.
Hardesty

cc: Honorable Jackie Glass, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk