

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT T. HOLMES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54254

**FILED**

SEP - 8 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Tracie K. Lindeman  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a motion for the appointment of counsel. Eighth Judicial District Court, Clark County; David B. Barker, 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. Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). No statute or court rule provides for an appeal from an order denying a motion for the appointment of counsel. Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

Cherry J.

Cherry

Saitta J.

Saitta

Gibbons J.

Gibbons

<sup>1</sup>On August 12, 2009, Mr. Joseph Sciscento filed a motion to withdraw as attorney of record. This appeal was initiated by the filing of a proper person notice of appeal and processed as such. Thus, we deny the motion as moot.

cc: Hon. David B. Barker, District Judge  
Robert T. Holmes  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Sciscento & Associates, LLC  
Eighth District Court Clerk