

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT J. CLARKE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 35501 ✓

FILED

FEB 16 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

No. 35610

ROBERT J. CLARKE,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

ORDER DISMISSING APPEALS AND DENYING PETITION

Docket No. 35501 includes three proper person notices of appeal from orders denying a motion to dismiss counsel, and an order committing appellant for evaluation and determination of competency pursuant to NRS 178.425. Docket No. 35610 is a proper person petition for a writ of mandamus. In the interests of judicial economy, we elect to consolidate these matters. See NRAP 3(b).


With respect to Docket No. 35501, 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, 792 P.2d 1133 (1990). No statute or court rule provides for an appeal from an order denying a motion to dismiss counsel. Further, no statute or court rule provides for an appeal from an order committing a defendant to the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources pursuant to NRS 178.425 for

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detention and treatment at a secure facility.¹ Accordingly, we order Docket No. 35501 dismissed.

Docket No. 35610 is a proper person petition for a writ of mandamus seeking an order from this court directing the district court to dismiss petitioner's counsel.² We have reviewed the documents on file with this court in Docket No. 35610, and we conclude that our intervention by extraordinary writ is not warranted. NRS 34.160. Accordingly, we deny this petition.

It is so ORDERED.


_____, J.
Maupin


_____, J.
Shearing


_____, J.
Becker

cc: Hon. Mark W. Gibbons, District Judge
Hon. Lee A. Gates, District Judge
Attorney General
Clark County District Attorney
Robert J. Clarke
Clark County Clerk

¹We note that a judgment of conviction has not yet been entered in district court case no. C147109, and appellant has not yet been sentenced. Pursuant to NRS 178.425 and the district court's order, the proceedings against him have been suspended until he can attain competence to stand trial or the court orders his release. See also NRS 178.400.

²We note that appellant is still represented by counsel in the proceedings below.