

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK MILFORD PECK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53826

**FILED**

JUN 04 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
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 new counsel. Second Judicial District Court, Washoe County; Brent T. Adams, 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 appointment of new counsel. Accordingly, we

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

*Cherry*  
\_\_\_\_\_, J.  
Cherry

*Saitta*  
\_\_\_\_\_, J.  
Saitta

*[Signature]*  
\_\_\_\_\_, J.  
Gibbons

<sup>1</sup>We deny as moot appellant's request to withdraw his appeal in a letter received in this court on May 26, 2009.

cc: Hon. Brent T. Adams, District Judge  
Frank Milford Peck  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk