

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TODD BOTELHO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49586

FILED

OCT 31 2007

ORDER

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

This is an appeal from the denial of appellant's post conviction petition for writ of habeas corpus. On October 9, 2007, appellant submitted a proper person "Motion for Withdrawl [sic] of Attorney of Record and Motion and Leave to File Supplimental [sic] Appeal in Forma Pauperis/Pro-se to Nevada Supreme Court."¹ In the document, appellant expresses dissatisfaction with his appellate counsel, Mary Lou Wilson, and requests that this court remove her as appellant's counsel of record and allow appellant to proceed in proper person.

A criminal defendant may not reject court appointed counsel absent a showing of good cause. See Thomas v. State, 94 Nev. 605, 584 P.2d 674 (1978); cf., Thomas v. Wainwright, 767 F.2d 738 (11th Cir. 1985), cert. denied, 475 U.S. 1031 (1986) (good cause for the substitution of appointed counsel cannot be determined solely according to the subjective standard of what the defendant perceived; defendant's general loss of confidence or trust in his counsel, standing alone, is not sufficient). We

¹ We note that appellant has neither sought nor been granted leave to file documents in proper person. See NRAP 46(b). Nevertheless, because we elect to address this motion on its merits, we direct the clerk of this court to file the motion received on October 9, 2007.

conclude that appellant's contentions do not rise to the level of adequate cause for the removal of appointed counsel and we decline to grant appellant's request to remove his current counsel. Appellant shall proceed hereafter through his appointed counsel in the prosecution of this appeal.

As appellant is represented by counsel in this appeal, we decline to grant him permission to file further documents in proper person. See NRAP 46(b). Accordingly, we direct the clerk of this court to return, unfiled, the proper person document received on September 28, 2007.

It is so ORDERED.

Maugsi, C.J.

cc: Mary Lou Wilson
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Michael Todd Botelho