

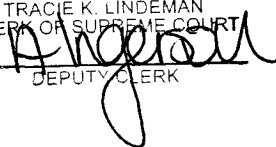
IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN E. SABO, JR.  
Appellant,  
vs.  
MICHAEL V. ROTH,  
Respondent.

No. 62207

**FILED**

MAY 15 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

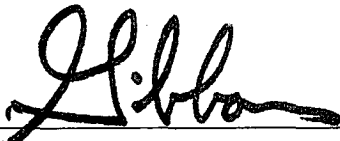
This is a proper person appeal from a district order granting a motion to dismiss in a legal malpractice action. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

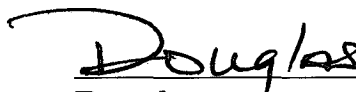
This court reviews de novo an order granting an NRCP 12(b)(5) motion to dismiss, accepting all factual allegations in the complaint as true, and drawing all inferences in the plaintiff's favor. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). We have reviewed the record and appellant's civil proper person appeal statement, and we conclude that dismissal was appropriate.


Appellant's complaint alleged a claim for legal malpractice against respondent, who was appointed by the court to represent appellant in a criminal case. Court-appointed defense attorneys enjoy the same degree of immunity from malpractice actions as is extended to public defenders by NRS 41.032(2) and NRS 41.0307(4)(b), and "cannot be held liable for malpractice arising out of discretionary decisions made pursuant

to their duties as court-appointed defense counsel." *Morgano v. Smith*,  
110 Nev. 1025, 1028, 879 P.2d 735, 736-37 (1994). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
Gibbons, J.

  
Douglas, J.

  
Saitta, J.

cc: Second Judicial District Court Dept. 10  
Stephen Eugene Sabo  
Michael V. Roth  
Washoe District Court Clerk