

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN LAMAR BROWN,

No. 38751

Appellant,

FILED

vs.

DEC 14 2001

THE STATE OF NEVADA,

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

Respondent.

ORDER DISMISSING APPEAL

Appellant purports to appeal in proper person from an order of the district court denying a motion for reconsideration, an order granting a motion to terminate counsel of record, and an order denying a motion for order to return seized property. Our review of this appeal reveals jurisdictional defects.

First, this court lacks jurisdiction to consider appellant's appeal from an order denying a motion for reconsideration and an order granting a motion to terminate counsel of record. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an appeal from an order denying a motion for reconsideration or an order granting a motion to terminate counsel of record.²

Second, this court lacks jurisdiction to consider appellant's appeal from the purported order of the district court denying a motion for order to return seized property. Prior to the entry of a final, written judgment or order, and the timely filing of a notice of appeal, the district court technically retains jurisdiction over appellant's case.³ The documents before this court indicate that at the time appellant filed his notice of appeal, the district court had not ruled on appellant's motion. Accordingly, we conclude that appellant's notice of appeal is premature, and we dismiss

¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).


²See NRS 177.015(3); Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995).


³See Bradley v. State, 109 Nev. 1090, 864 P.2d 1272 (1993).

this appeal without prejudice to appellant's right to timely appeal from a final, written order of the district court denying his motion for return of seized property. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Connie J. Steinheimer, District Judge
Attorney General/Carson City
Washoe County District Attorney
Brian Lamar Brown
Washoe County Clerk