IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN LAMAR BROWN,

Appellant,

VS.

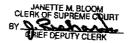
THE STATE OF NEVADA.

Respondent.

No. 38751

FILED

DEC 14 2001



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. 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

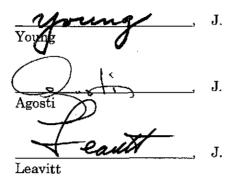
¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

²See NRS 177.015(3); <u>Phelps v. State</u>, 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.



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