

IN THE SUPREME COURT OF THE STATE OF NEVADA

PASQUAL ANDRES McMURRY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79023

FILED

JUL 15 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *R* DEPUTY CLERK

ORDER DISMISSING APPEAL

This appeal was initiated by the filing of a pro se notice of appeal. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant filed his notice of appeal on June 13, 2019. In his notice of appeal, appellant states that he is challenging the district court order "that denied his motion to oppose the withdrawal of his court appointed counsel." Because no statute or court rule provides for an appeal from an order denying a motion opposing the withdrawal of court-appointed counsel, this court lacks jurisdiction. *See Castillo v. State*, 106 Nev. 349, 792 P.2d 1133 (1990). Accordingly, this court

ORDERS this appeal DISMISSED.

I. Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Hon. Kathleen E. Delaney, District Judge
Pasqual Andres McMurry
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

Felony/Gross Misdemeanor

COURT MINUTES

June 03, 2019

C-14-297388-1 State of Nevada
vs
Pasqual McMurry

June 03, 2019 09:00 AM Defendant's Pro Per Motion to Oppose Withdrawal of the Court Appointed Counsel

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER: Howard, Sharon

PARTIES PRESENT:

Plaintiff

Attorney for Plaintiff

JOURNAL ENTRIES

Deft. not present, not transported from Nevada Department of Corrections (NDC).

COURT NOTED, Deft. did not want his prior counsel to withdraw or at least wants new counsel appointed. There is no reason to keep Deft's. prior counsel on the case. It appears Deft. is seeking post conviction relief and wants counsel for that. Deft. has not indicated what relief he intends to seek. COURT ORDERED, Motion DENIED WITHOUT PREJUDICE, and STATED FINDINGS. State to prepare the Order.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Deft. (Pasqual McMurray 1176607, HDSP, 22010 Cold Creek Rd, Indian Springs, NV 89070). /sb 06/04/19

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8 *Attorney for Defendant*
9 *Pasqual McMurry*

10
11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 THE STATE OF NEVADA,

14 Case No.: C-14-297388-1

15 vs. Plaintiff,

16 Dept. No.: 25

17 PASQUAL MCMURRY # 1660193,

18
19 ORDER ALLOWING
20 WITHDRAWAL
21 AS COUNSEL OF RECORD

22 Defendant.

23
24 Before the Court is the motion of William H. Brown, Esq., ("counsel")
25 seeking an order allowing him to withdraw as counsel of record for defendant
26
27 Pasqual McMurry. Counsel was appointed to represent defendant McMurry
28 on direct appeal on/about March 29, 2017, and has represented McMurry
during the direct appeal process.

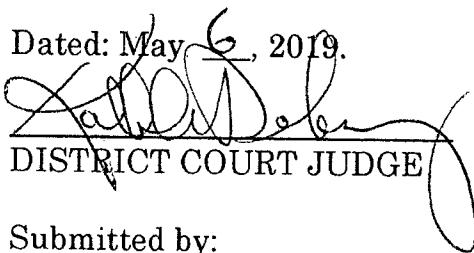
29
30 On April 19, 2019, the Supreme Court of Nevada issued the remittitur,
31 thus ending the direct appeal process. Since the direct appeal process has
32 ended, so has the scope of counsel's designated representation of McMurry.
33
34 Also, if McMurry elects to seek further review, he must do so by seeking post-

1 conviction relief, and appellate counsel should generally not represent a
2 defendant seeking post-conviction relief, as his best claim may be appellate
3 counsel's ineffectiveness. *See, e.g., Deutscher v. Angelone*, 16 F.3d 981, 984
4 (9th Cir. 1994).

5
6 For each and both of these reasons, counsel is hereby allowed to
7 withdraw as counsel of record for McMurry.
8

9 IT IS SO ORDERED.

10 Dated: May 6, 2019.

11 
12 DISTRICT COURT JUDGE

13
14 Submitted by:

15 THE LAW OFFICES OF
16 WILLIAM H. BROWN, LTD.

17 /s/ *William H. Brown*

18
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