

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE T. SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43097

FILED

MAY 11 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is a proper person appeal from a decision to refuse appellant permission to file a petition for a writ of habeas corpus challenging the conditions of confinement. Our review of this appeal reveals a jurisdictional defect. 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 a decision denying permission to file a petition for a writ of habeas corpus challenging the conditions of confinement. Accordingly, we

ORDER this appeal DISMISSED.²

Rose _____, J.
Rose

Maupin _____, J.
Maupin

Douglas _____, J.
Douglas

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

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. John S. McGroarty, District Judge
Willie T. Smith
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk