

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY RUSSELL HOWE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44332

**FILED**

JAN 3 1 2005

ORDER DISMISSING APPEAL

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

This is an appeal from an order of the district court denying appellant's pre-trial petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

Our review of this appeal revealed a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>1</sup> No statute or court rule provides for an appeal from an order denying a pre-trial habeas petition.


On December 13, 2004, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. On January 5,


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

2005, counsel filed a response wherein he concedes that this court lacks jurisdiction to entertain this appeal. Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Steven R. Kosach, District Judge  
Washoe County Public Defender  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk