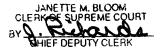
## IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY RUSSELL HOWE, Appellant, vs. THE STATE OF NEVADA, Respondent. No. 44332

FILED

JAN 3 1 2005

## ORDER DISMISSING APPEAL



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. 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,

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

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

ORDER this appeal DISMISSED.

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

SUPREME COURT OF NEVADA