

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LEON WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50361

FILED

ORDER DISMISSING APPEAL

NOV 16 2007
JAVETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK


This is a proper person appeal from the denial of a pre-trial petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.


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 independent appeal from an order of the district court denying a pre-trial

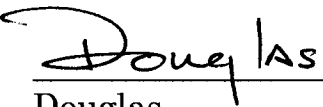
¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

petition for a writ of habeas corpus.²

ORDER this appeal DISMISSED.³


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

²See NRS 34.575(1) ("An applicant who, after conviction or while no criminal action is pending against him, has petitioned the district court for a writ of habeas corpus and whose application for the writ is denied, may appeal to the supreme court from the order and judgment of the district court"); NRS 177.015(3) ("The defendant only may appeal from a final judgment or verdict in a criminal case"); see also Gary v. Sheriff, 96 Nev. 78, 605 P.2d 212 (1980) (holding that no appeal lies from an order denying a pre-trial petition for a writ of habeas corpus); compare NRS 177.045 ("Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed").

³We have considered all documents submitted in this matter, and we conclude that no relief is warranted.

cc: Hon. Douglas W. Herndon, District Judge
Michael Leon Williams
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk