

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEY LARRY HANSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52509

FILED

DEC 16 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's pretrial petition for writ of habeas corpus. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

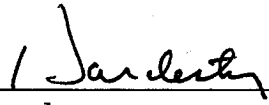
Our preliminary review of this appeal revealed a jurisdictional defect. Specifically, the order denying appellant's pretrial petition for a writ of habeas corpus is an intermediate order that is not independently appealable pursuant to any statute or court rule.¹ An intermediate order denying a pretrial petition for a writ of habeas corpus may be challenged in a timely appeal from the judgment of conviction.² Therefore, on October 10, 2008, this court ordered appellant's counsel to show cause why this


¹Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (explaining that the right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists).

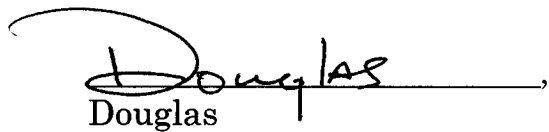
²NRS 177.045; State v. Lewis, 124 Nev. ___, ___, 178 P.3d 146, 148 (2008) (holding that "an order that is entered before a judgment of conviction, such as an order granting a presentence motion to withdraw a guilty plea, is intermediate and therefore not generally a final, appealable determination").

appeal should not be dismissed for lack of jurisdiction. Appellant's counsel failed to respond to the order to show cause. Having reviewed the documents filed in this appeal, we conclude we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Valerie Adair, District Judge
Gregory D. Knapp
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk
Joey Larry Hanson