

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEONARD HAIRSTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54089

FILED

JUL 14 2009

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

ORDER DISMISSING APPEAL

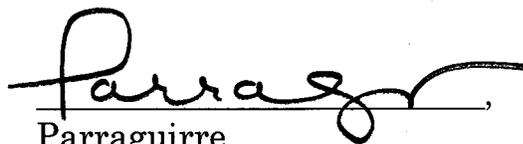
This is a proper person appeal from an order of the district court denying a pretrial petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

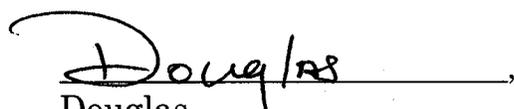
Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990). No statute or court rule provides for an independent appeal from an order of the district court denying a pre-trial petition for a writ of habeas corpus.¹ Gary v. Sheriff, 96 Nev. 78, 605 P.2d 212 (1980) (holding

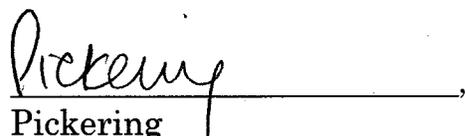
¹See NRS 34.575(1) ("An applicant who, after conviction or while no criminal action is pending against him, has petitioned the district court for a writ of habeas corpus and whose application for the writ is denied, may appeal to the supreme court from the order and judgment of the district court"); compare NRS 177.015(3) ("The defendant only may appeal from a final judgment or verdict in a criminal case") to 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").

that no appeal lies from an order denying a pre-trial petition for a writ of habeas corpus). Accordingly, we

ORDER this appeal DISMISSED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Stefany Miley, District Judge
Leonard Hairston
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk