

IN THE SUPREME COURT OF THE STATE OF NEVADA

LINDA COONEY A/K/A LINDA RAE
COONEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62846

FILED

MAY 09 2013

TRACIE K. LINDEMAN,
CLERK OF SUPREME COURT
BY *A. Ingold*
DEPUTY CLERK


ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a pretrial petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.


Because no statute or court rule appeared to provide an appeal from such an order, we directed appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, counsel asserts that this court has jurisdiction pursuant to NRS 34.575(1), NRS 177.025, and NRAP 22. We disagree. NRS 34.575(1) authorizes an appeal from a district court order denying a *post-conviction* petition for a writ of habeas corpus and NRS 177.025 does not authorize an appeal from an order denying a pretrial petition for a writ of habeas corpus. And, although NRAP 22 appears to authorize an appeal from such an order, "that part of the rule become inoperative when the statute giving the right to appeal [an order denying a pretrial petition for a writ of habeas corpus] was nullified." *Gary v. Sheriff*, 96 Nev. 78, 81, 605 P.2d 212, 214 (1980).

Because no statute or court rule authorizes an appeal from an order denying a pretrial petition for a writ of habeas corpus, *see Castillo v. State*, 106 Nev. 349, 353, 792 P.2d 1133, 1135 (1990), we lack jurisdiction and we

ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Las Vegas Defense Group, LLC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk