

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDY LEE KIRKENDALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73902

FILED

DEC 01 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order denying a pretrial petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

Appellant has responded to our order to show cause regarding this court's lack of jurisdiction, and we conclude that we lack jurisdiction. Appellant may not appeal from an order denying a pretrial petition for a writ of habeas corpus. *See Gary v. Sheriff*, 96 Nev. 78, 605 P.2d 212 (1980) (order denying pretrial habeas relief is an intermediate order that may be challenged in a timely appeal from the judgment of conviction); *see also Sheriff v. Gillock*, 112 Nev. 213, 912 P.2d 274 (1996) (only the State may appeal from a district court order granting in part and denying in part a pretrial petition for a writ of habeas corpus). Accordingly, we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Parraguirre
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Kerry Louise Earley, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk