

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON ARTHUR ALTHEIDE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74149

FILED

DEC 22 2017

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

ORDER DISMISSING APPEAL

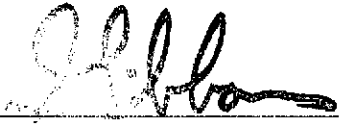
This is an appeal from the “ruling that not guilty by reason of insanity is a not guilty plea and would hold a trial despite NRS 174.035(5) stipulations.” Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

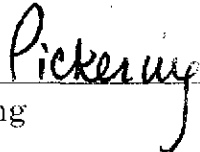
Our review of this appeal reveals a jurisdictional defect. To the extent that appellant appeals from the order suspending proceedings for criminal responsibility evaluation, the notice of appeal is untimely filed, and no statute or court rule provides for an appeal from such an order. *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (an untimely notice of appeal fails to vest jurisdiction in this court); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists). To the extent that appellant appeals from the order resolving a postconviction petition for a writ of habeas corpus, no decision, oral or written, had been

made on the petition when appellant filed his appeal on September 25, 2017.
Accordingly, we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Robert W. Lane, District Judge
Jason Arthur Altheide
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk