

IN THE SUPREME COURT OF THE STATE OF NEVADA

DELBERT MARSHALL GREENE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77117

FILED

OCT 19 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a pretrial petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

This court's review of this appeal reveals a jurisdictional defect. Specifically, no appeal lies from an order denying a pretrial petition for a writ of habeas corpus. *Gary v. Sheriff*, 96 Nev. 78, 605 P.2d 212 (1980) (order denying a 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) (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). The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990).

Accordingly, we conclude that we lack jurisdiction to consider this appeal,
and we

ORDER this appeal DISMISSED.¹

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Jerry A. Wiese, District Judge
Delbert Marshall Greene
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Cesar V. Almase

¹Given this order, we take no action on the pro se motion for stay filed on October 10, 2018.