

IN THE SUPREME COURT OF THE STATE OF NEVADA

YANKEE RODRIGUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76881

FILED

DEC 12 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
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; Kerry Louise Earley, Judge.

Our initial review of this appeal revealed a potential jurisdictional defect. Specifically, an order denying a pretrial petition for writ of habeas corpus is not appealable. *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 directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

Appellant has responded and states that he “cannot provide good cause for why the Court has jurisdiction over this Appeal,” and “has no objection to the Court dismissing this appeal accordingly.” 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, 352, 792 P.2d 1133, 1135 (1990). Because we lack jurisdiction over this appeal, we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

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