

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESLIE HOSEA MARTIN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77419

FILED

DEC 12 2018

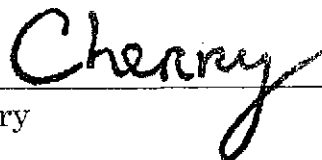
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
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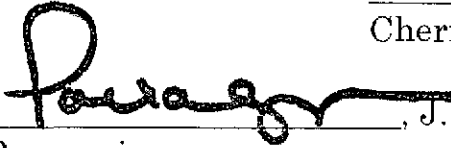
ORDER DISMISSING APPEAL

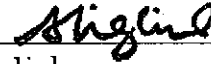
This is a pro se appeal from a district court order denying a pretrial petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

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. *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). 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.


Cherry, J.


Parraguirre, J.


Stiglich, J.

18-908201

cc: Hon. Michael Villani, District Judge
Weslie Hosea Martin
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk
Clark County Public Defender

