

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY JAMES WASHINGTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 67111

FILED

JAN 12 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
[Signature]
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court decision granting a postconviction petition for a writ of habeas corpus. Although we previously indicated that we have jurisdiction over this appeal, *Washington v. State*, Docket No. 67111 (Order, May 12, 2015), further review of the record reveals a jurisdictional defect. Specifically, no statute or court rule authorizes a petitioner to appeal from a district court order *granting* a postconviction petition for a writ of habeas corpus. See NRS 34.575(2); NRAP 22. 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). We conclude that we lack jurisdiction and therefore

ORDER this appeal DISMISSED.¹

[Signature: Douglas], J.

Douglas

[Signature: Gibbons], J.

Gibbons

[Signature: Pickering], J.

Pickering

¹We deny appellant's pending motions as moot.

cc: Hon. Douglas Smith, District Judge
Larry James Washington
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk