

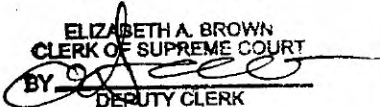
IN THE SUPREME COURT OF THE STATE OF NEVADA

KEISHEILA KIMBERLY COTE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 88424

FILED

MAY 03 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

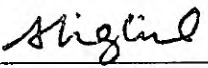
This is an appeal from a district court order dismissing a pretrial petition for writ of habeas corpus. Third Judicial District Court, Lyon County; John Schlegelmilch, Judge.

After review of the documents before this court revealed a potential jurisdictional defect, this court ordered appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. Specifically, no appeal lies from a district court order denying a pretrial petition for a writ of habeas corpus. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). NRS 34.575(1) allows an applicant to appeal from a district court order denying a petition for a writ of habeas corpus “after conviction or while no criminal action is pending against the applicant.”


Appellant argues, among other things, that NRS 34.575 is unconstitutional and “deprives a defendant of an opportunity to have an appellate review of a denial of a pretrial petition for writ of habeas corpus.” NRS 34.575(1) is not applicable to appellant because a criminal action is pending against her, however, an intermediate order denying a pretrial

habeas petition may be challenged in a timely appeal from a judgment of conviction. NRS 177.045. This court lacks jurisdiction and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. John Schlegelmilch, District Judge  
John J. Kadlic  
Attorney General/Carson City  
Lyon County District Attorney  
Third District Court Clerk