

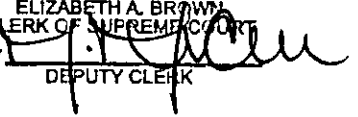
IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR PARISE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90226

FILED

MAY 06 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
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; Nadia Krall, Judge.

When initial review of the notice of appeal and documents before this court revealed a potential jurisdictional defect, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, this court may only consider appeals authorized by statute or court rule. *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). A district court order denying a pretrial petition for a writ of habeas corpus challenging probable cause is not appealable. *Gary v. Sheriff*, 96 Nev. 78, 605 P.2d 212 (1980).

Appellant suggests in response that this court reconsider *Gary* on the basis of equal protection, fundamental procedural due process, the separation of powers doctrine, judicial independence, and public policy. Appellant contends precluding appellate review is unreasonable based on the facts of this case and constitutes a miscarriage of justice.

In *Gary*, this court recognized that the Legislature amended NRS 34.080 (now NRS 34.575) to remove this court's jurisdiction to consider

appeals from orders denying pretrial petitions for writs of habeas corpus based on an alleged lack of probable cause. 96 Nev. at 79, 605 P.2d at 213. The court specifically rejected the argument that the removal of such jurisdiction denied equal protection. *Id.* at 80, 602 P.2d at 214. Appellant provides no cogent argument or citation to relevant authority in support of his request to reconsider that determination. Appellant also fails to provide cogent legal argument in support of his other assertions. And this court cannot exercise jurisdiction over an appeal based on public policy considerations; an appeal must be authorized by statute or court rule. *Castillo*, 106 Nev. at 352, 792 P.2d at 1135. Accordingly, we decline appellant's invitation to reconsider *Gary*.

No statute or court rule authorizes an appeal from the challenged order. We therefore lack jurisdiction and

ORDER this appeal DISMISSED.¹

Pickering, J.
Pickering

Cadish, J.
Cadish

Lee, J.
Lee

cc: Hon. Nadia Krall, District Judge
Mueller & Associates
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Nothing in this order prevents appellant from filing an original petition for relief in this court, if deemed warranted.