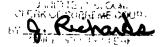
IN THE SUPREME COURT OF THE STATE OF NEVADA

DARREL TURNER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40445

NOV 2 2 2002

ORDER DISMISSING APPEAL



This is a proper person appeal from a decision of the district court denying appellant's pretrial petition for a writ of habeas corpus. Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an independent appeal from a decision of the district court denying a pretrial petition for a writ of habeas corpus.² Accordingly, we

ORDER this appeal DISMISSED.

Shearing J.
Leavitt J.

Becker, J.

¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

²See NRS 34.575(1) ("An applicant who, after conviction or while no criminal action is pending against him, has petitioned the district court for a writ of habeas corpus and whose application for the writ is denied, may appeal to the supreme court from the order and judgment of the district court.") (emphasis added); NRS 177.015(3) ("The defendant only may appeal from a final judgment or verdict in a criminal case."); compare NRS 177.045 ("Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed."); see also Gary v. Sheriff, 96 Nev. 78, 605 P.2d 212 (1980) (holding that no appeal lies from an order denying a pretrial petition for a writ of habeas corpus).

SUPREME COURT OF NEVADA cc: Hon. Jeffrey D. Sobel, District Judge Attorney General/Carson City Clark County District Attorney Darrel Turner Clark County Clerk