

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER D. MACK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40885

FILED

APR 09 2003

ORDER DISMISSING APPEAL

W. WALTER M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is a proper person interlocutory appeal apparently challenging the district court's ruling on a pretrial petition for a writ of habeas corpus.

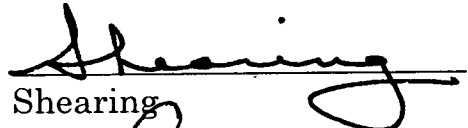
The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.<sup>1</sup> Appellant's proper person petition for a writ of habeas corpus was filed prior to sentencing and denied prior to the entry of the final judgment. No statute or court rule provides for such an appeal.<sup>2</sup> Further, pursuant to NRS 177.015(3), a defendant in a criminal action may only appeal from a final judgment. Thus, this court lacks jurisdiction to consider the appeal. Accordingly, we

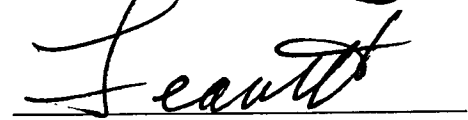
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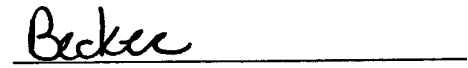
<sup>1</sup>Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

<sup>2</sup>See, e.g., Gary v. Sheriff, 96 Nev. 78, 605 P.2d 212 (1980) (no appeal lies from a order denying a pretrial petition for a writ of habeas corpus); see also NRS 34.575 (defining appealable determinations involving petitions for writ of habeas corpus).

ORDER this appeal DISMISSED without prejudice to appellant's right to appeal from a final judgment.

 J.  
Shearing

 J.  
Leavitt

 J.  
Becker

cc: Hon. Kathy A. Hardcastle, District Judge  
Tuverson & Hillyard  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk