IN THE SUPREME COURT OF THE STATE OF NEVADA

HUBERT MOORE, Appellant, vs. THE STATE OF NEVADA, Respondent.

No. 42460

JAN 02 2004

FILED

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

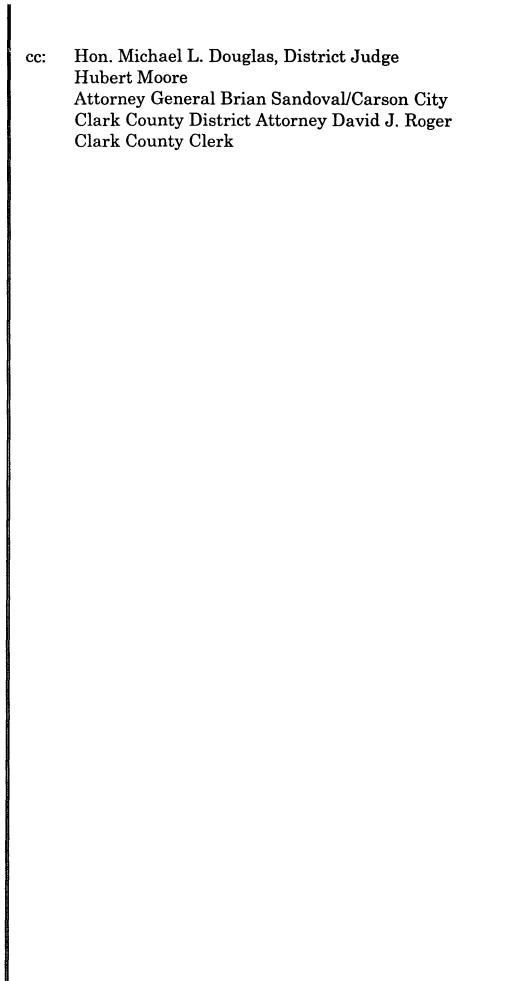
ORDER this appeal DISMISSED.

J. J. Shearing J. Gibbons

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

²See NRS 34.575(1) ("An applicant who, <u>after conviction</u> 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."); <u>compare NRS 177.045</u> ("Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed."); <u>see also Gary v. Sheriff</u>, 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).

reme Court of Nevada



'REME COURT OF NEVADA