IN THE SUPREME COURT OF THE STATE OF NEVADA

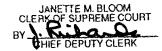
MICHAEL W. CRIPPS, Appellant, vs. THE STATE OF NEVADA, Respondent.

No. 43777

FLED

FEB 1 5 2005

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. Seventh Judicial District Court, White Pine County; Joseph S. Pavlikowski, Judge.

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

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

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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.3

Rose J.

J.

Gibbons

Hardesty J.

³We have received appellant's proper person motion to proceed in forma pauperis, and we conclude that no relief is warranted.

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).

cc: Hon. Joseph S. Pavlikowski, Senior Judge Michael W. Cripps Attorney General Brian Sandoval/Carson City White Pine County District Attorney White Pine County Clerk