

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHERYL BOTZET,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53258

FILED

APR 13 2009

TRACIE R. LINDEMAN
CLERK OF SUPREME COURT
BY J. Overado
DEPUTY CLERK

ORDER DISMISSING APPEAL

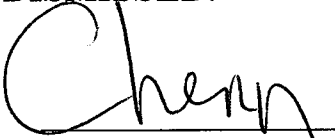
This is an appeal from an order denying a motion to dismiss an indictment. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.


Our initial review of this appeal revealed a potential jurisdictional defect. Specifically, it appeared that the order denying the motion to dismiss an indictment was an intermediate order and not independently appealable. See NRS 177.015(3) ("The defendant only may appeal from a final judgment or verdict in a criminal case."); see also State v. Lewis, 124 Nev. ___, ___, 178 P.3d 146, 148 (2008) (holding that "an order that is entered before a judgment of conviction is intermediate and therefore not generally a final, appealable determination"). Because this court has jurisdiction to consider an appeal only when it is authorized by statute or court rule, Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990), and no statute or court rule provides for an appeal from an intermediate order denying a motion to dismiss an indictment, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

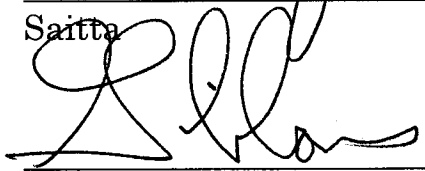
In response, appellant acknowledges that the order is an interlocutory order, but urges this court to adopt the "collateral order" exception to the final judgment rule of appellate jurisdiction with respect to colorable claims of violation of the prohibitions against double jeopardy. We decline to adopt the "collateral order" exception. See State, Taxicab Authority v. Greenspun, 109 Nev. 1022, 1025, 862 P.2d 423, 425 (1993).

Having reviewed the documents submitted in this appeal, we conclude we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Stefany Miley, District Judge
Herbert Sachs
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk