

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY CLARKE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74776

FILED

MAR 07 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from an order of the district court denying appellant's pretrial petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, no appeal lies from an order denying a pretrial petition for a writ of habeas corpus. *See Gary v. Sheriff*, 96 Nev. 78, 605 P.2d 212 (1980) (order denying a pretrial habeas relief is an intermediate order that may be challenged in a timely appeal from the judgment of conviction); *see also* NRS 34.575(2); *Sheriff v. Gillock*, 112 Nev. 213, 912 P.2d 274 (1996) (the State may appeal from a district court order granting in part and denying in part 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. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135

(1990). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.¹

Pickering, J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Jerome M. Polaha, District Judge
Anthony Clarke
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹Given this order, we take no action on the pro se documents filed on January 18, and 23, 2018.