

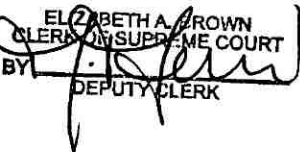
IN THE SUPREME COURT OF THE STATE OF NEVADA

CHAD WINDHAM MITCHELL,
Appellant,
vs.
CARSON CITY SHERIFF'S OFFICE,
Respondent.

No. 85489

FILED

NOV 10 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se notice of appeal from a district court “order denying pretrial petition for a writ of habeas corpus.” This court’s review of this appeal reveals a jurisdictional defect. Specifically, no appeal lies from an order denying a presentence petition for a writ of habeas corpus.¹ See NRS 34.724(1) (stating that a person convicted of a crime and under sentence of death or imprisonment may file a postconviction petition for a writ of habeas corpus); see also *State v. Lewis*, 124 Nev. 132, 178 P.3d 146 (2008) (stating that an order entered before judgment of conviction is intermediate and not generally a final, appealable determination), *overruled on other grounds by State v. Harris*, 131 Nev. 551, 355 P.3d 791 (2015). 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


¹It appears that appellant has not yet been sentenced in district court case number 21-CR002221B.

Nev. 349, 352, 792 P.2d 1133,1135 (1990). Accordingly, this court lacks jurisdiction to consider this appeal, and

ORDERS this appeal DISMISSED.²


_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. James E. Wilson, District Judge
Chad Windham Mitchell
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk

²Given this order, this court takes no action on the pro se motions filed on October 26, 2022, and November 7, 2022.