

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH BARLOW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70812

FILED

AUG 30 2016

ORDER TO SHOW CAUSE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

This is an appeal from a district court order resolving a pretrial petition for a writ of habeas corpus. Our review of this appeal reveals a potential jurisdictional defect. Specifically, an order denying a pretrial petition for a writ of habeas corpus is not appealable. *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 Sheriff v. Gillock*, 112 Nev. 213, 912 P.2d 274 (1996) (only State may appeal from a district court order granting in part and denying in part a pretrial petition for a writ of habeas corpus); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists). Further, the notice of appeal was untimely filed. The notice of entry of order was served on March 23, 2015, and the notice of appeal was filed July 8, 2016. Accordingly, appellant's counsel shall have 20 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondent shall have 10 days from the filing of any response to file any reply.

It is so ORDERED.

 J.

cc: Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Keith Barlow