

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY J. MARLON,
Appellant,
vs.
STATE OF NEVADA, DEPARTMENT
OF MOTOR VEHICLES,
Respondent.

No. 45067

FILED

FEB 17 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a petition for judicial review of a driver's license revocation. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

Respondent State of Nevada, Department of Motor Vehicles has moved to dismiss this appeal, arguing that the expiration of the ninety-day revocation period has rendered the appeal moot. Appellant Anthony J. Marlon opposes dismissal.

Normally, a controversy must be live through all stages of the proceeding; this court may not "give opinions upon moot questions or abstract propositions, or . . . declare principles of law which cannot affect the matter in issue before it."¹ Cases presenting live controversies at the

¹University Sys. v. Nevadans for Sound Gov't, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) (quoting NCAA v. University of Nevada, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981)).

time of their inception may become moot by the occurrence of subsequent events.²

In appeals challenging the revocation of a driver's license after the revocation period has expired, as this court has previously pointed out, unsupported allegations of insufficiently significant collateral consequences, including revocation period enhancement for subsequent acts, do not create a substantial live controversy.³ Accordingly, Marlon's inadequately supported argument that he faces an enhanced one-year revocation period for a subsequent act, under "NRS 484," is unavailing. Likewise, his assertion that he will suffer a "continued stigmatization" from the revocation having been placed on his driver's license record is insufficient to create a live controversy. As Marlon has not shown that this court is able to grant him any effective relief, this appeal is moot.

Further, Marlon's argument that we should recognize an exception to the mootness doctrine, because this appeal presents issues "capable of repetition, yet evading review,"⁴ is unconvincing, for two reasons. First, the issues at play in this appeal, including Marlon's due process and evidentiary concerns, are particular to the facts of this case and thus are unlikely to be repeated.⁵ Second, the due process concerns introduced in Marlon's opposition remain largely unsupported with

²Id.

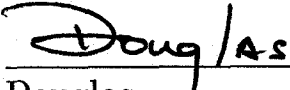
³Langston v. State, Dep't of Mtr. Vehicles, 110 Nev. 342, 871 P.2d 362 (1994).

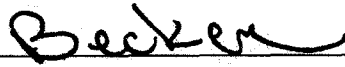
⁴See id. at 344, 871 P.2d at 363.

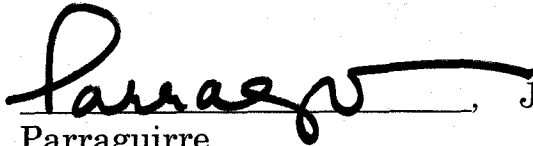
⁵See id.

argument in his opening brief.⁶ Accordingly, the “capable of repetition, yet evading review” exception does not apply to this matter.

Because this matter is moot, we
ORDER this appeal DISMISSED.

 _____, J.
Douglas

 _____, J.
Becker

 _____, J.
Parraguirre

cc: Honorable Jackie Glass, District Judge
Potter Law Offices
Attorney General George Chanos/Las Vegas
Clark County Clerk

⁶See *id.* at 344, 871 P.2d at 363-64.