

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,  
vs.  
RONALD NELSON BRADY, A/K/A  
NELSON RON BRADY,  
Respondent.

No. 45319

**FILED**

JUL 26 2005

ORDER DISMISSING APPEAL

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

This is an appeal from an order of the district court granting respondent's motion to suppress evidence. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

NRS 177.015(2) requires that the notice of appeal in a suppression appeal be filed in the district court within 2 judicial days of the ruling by the district court. A second notice of appeal must be filed in this court within 5 judicial days of the ruling.<sup>1</sup> In the instant case, neither notice of appeal was timely. Accordingly, on June 22, 2005, this court ordered the State to show cause why this appeal should not be dismissed for lack of jurisdiction.

On July 13, 2005, the State filed a response, arguing that the notices of appeal were timely filed after the State received notice of the district court's ruling. This court has held, however, that NRS 177.015(2)


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<sup>1</sup>See State v. Braidy, 104 Nev. 669, 765 P.2d 187 (1988) (holding that time for filing notice of appeal from ruling granting motion to suppress begins to run when district court makes ruling); State v. Loyle, 101 Nev. 65, 66, 692 P.2d 516, 517 (1985) (holding that notices of appeal must be filed in district court and this court within the time period provided by NRS 177.015(2) in order to invoke jurisdiction of this court).


mandates that the time for filing the notices of appeal "begin[s] when the district court first renders its ruling on the motion."<sup>2</sup> The State concedes that the district court entered its minute order on May 18, 2005, and that the notices of appeal were not filed in the district court and this court until May 24, 2005, and May 27, 2005, respectively.

NRS 177.015(2) specifically provides that the time for filing the notice of appeal runs from the ruling, not from service of the order.<sup>3</sup> We therefore conclude that the notices of appeal were untimely, and that we lack jurisdiction to entertain this appeal. Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

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<sup>2</sup>Braidy, 104 Nev. at 671, 765 P.2d at 188 (emphasis added).

<sup>3</sup>Cf. NRAP 4(a)(1) (requiring that the notice of appeal in a civil case must be filed within 30 days after service of written notice of the entry of the judgment or order appealed from); NRS 34.575(1) (requiring that the notice of appeal from an order denying a post-conviction petition for a writ of habeas corpus be filed "within 30 days of service by the court of written notice of entry of the order").

cc: Hon. Lee A. Gates, District Judge  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Goodman & Chesnoff  
Clark County Clerk