

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
MICHAEL BROOKS,
Respondent.

No. 45619

FILED

NOV 16 2005

ORDER DISMISSING APPEAL


JANETTE M BLOOM
CLERK OF SUPREME COURT
J. Richards
CLERK OF SUPREME COURT


This is an appeal from an order of the district court granting respondent Michael Brooks' motion to suppress evidence. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge. Although NRS 177.015(2) authorizes such an appeal, the statute contemplates that the State must make a preliminary showing of good cause why this court should entertain the appeal.

On August 22, 2005, the State filed, in this court, Points and Authorities in Support of Propriety of Appeal, and on October 7, 2005, respondent filed points and authorities in opposition. Having considered the documents filed, we conclude that the State has failed to: (1) make a preliminary showing of good cause why this court should entertain this

appeal; and/or (2) demonstrate that "there may be a miscarriage of justice if the appeal is not entertained."¹ Accordingly, we

ORDER this appeal DISMISSED.


_____ J.

Maupin

_____ J.
Gibbons


_____ J.
Hardesty

cc: Hon. Lee A. Gates, District Judge
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Public Defender Philip J. Kohn
Clark County Clerk

¹NRS 177.015(2).