

IN THE SUPREME COURT OF THE STATE OF NEVADA

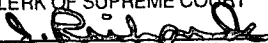
ANTHONY RANSEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48045

FILED

MAR 08 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of possession of a controlled substance with the intent to sell. Eighth Judicial District Court, Clark County; Jackie Glass, Judge. The district court adjudicated appellant Anthony Ransey as a habitual criminal and sentenced him to serve a prison term of 5-20 years.

Ransey's sole contention is that the district court erred by denying his pretrial motion to suppress evidence of the cocaine found in his possession. An application for a search warrant was signed on January 31, 2003, and executed on February 9, 2003. The return was filed on February 14, 2003, approximately five days beyond the time period proscribed by NRS 179.075(1).¹ Ransey therefore claims that the search warrant was defective and that his case should be remanded because the return was untimely filed in violation of the statute. We disagree.

On appeal, this court will not disturb a district court's findings of fact in a suppression hearing where they are supported by substantial evidence.² At the hearing on Ransey's motion to suppress, the district

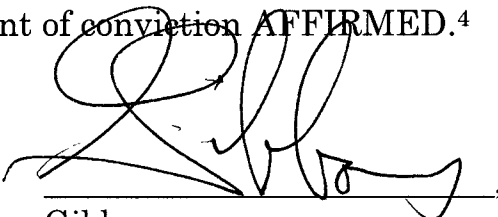
¹See NRS 179.075(1) ("The warrant may be executed and returned only within 10 days after its date.") (emphasis added).

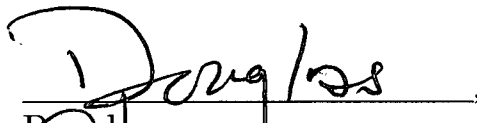
²See Camacho v. State, 119 Nev. 395, 400, 75 P.3d 370, 374 (2003).

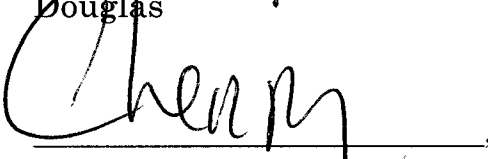
court found that the return was filed late but that the violation of the statute was merely technical and denied the motion. In the same manner “that a technical defect in a warrant does not necessarily require the suppression of evidence gathered during the ensuing search,”³ we conclude that the technical violation of NRS 179.075(1) in the instant case does not warrant the reversal of Ransey’s conviction. Therefore, we conclude that the district court did not err in denying Ransey’s motion.

Having considered Ransey’s contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.⁴


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

³Pellegrini v. State, 104 Nev. 625, 628, 764 P.2d 484, 486 (1988).

⁴Because Ransey is represented by counsel in this matter, we decline to grant him permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, this court shall take no action and shall not consider the proper person documents Ransey has submitted to this court in this matter.

cc: Hon. Jackie Glass, District Judge
Kajioka & Associates
Anthony Ransey
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk