

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
NIKOLAS MARK ANDREWS,
Respondent.

No. 48523

FILED

JAN 10 2007

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court granting respondent's motion to suppress evidence. Sixth Judicial District Court, Pershing County; John M. Iroz, 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.¹ Because it was not entirely clear whether the jurisdictional requirements were met, this court ordered the State to show cause why this appeal should not be dismissed for lack of jurisdiction. The State filed a response on January 3, 2007. Having reviewed the response, we construe the notices of appeal as having been


¹See 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).

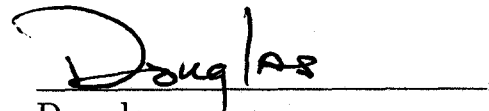
timely filed, and we conclude that this court has jurisdiction to consider this appeal.²

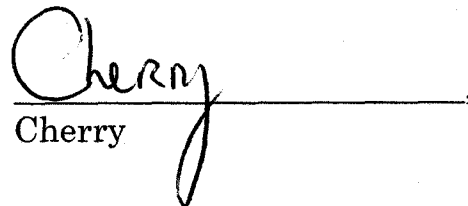
Although NRS 177.015(2) authorizes such an appeal, the statute contemplates that the State must make a preliminary showing of good cause why this court should entertain the appeal.

Having reviewed the points and authorities filed by the State on December 15, 2006, in support of this appeal and the transcripts filed on the same date, we conclude that the State has not shown good cause why this appeal should be entertained. Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. John M. Iroz, District Judge
Attorney General Catherine Cortez Masto/Carson City
Pershing County District Attorney
Robert E. Dolan
Pershing County Clerk

²In the future, however, the State should file separate notices of appeal in both the district court and this court in order to clearly invoke the jurisdiction of this court.