

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
STANLEY ARRIVE,
Respondent.

No. 49896

FILED

SEP 25 2007

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Alvarado
DEPUTY CLERK

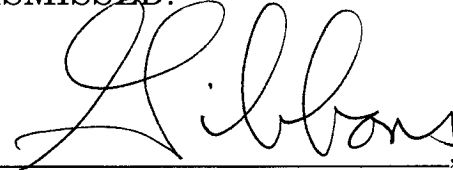
This is an appeal from an order of the district court granting respondent's motion to suppress evidence. First Judicial District Court, Carson City; William A. Maddox, Judge.

Our preliminary review of this appeal revealed a jurisdictional defect. 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 oral pronouncement of the decision by the district court. A second notice of appeal must be filed in this court within 5 judicial days of the district court's ruling.¹ In this case, the district court announced its decision on July 24, 2007. The notice of appeal was not filed in the district court until July 27, 2007, one day after the expiration of the two-day appeal period set forth in NRS 177.015(2). Accordingly, on August 14, 2007, this court ordered counsel for appellant to show cause why this appeal should not be

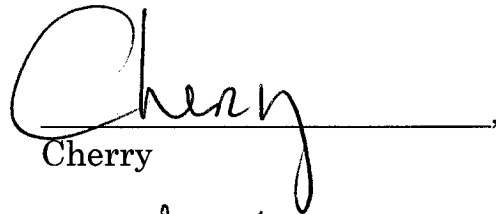
¹See State v. Braidy, 104 Nev. 669, 765 P.2d 187 (1988) (holding that time for filing notice of appeal from ruling granting motion to suppress begins to run when district court makes ruling); State v. Loyle, 101 Nev. 65, 66, 692 P.2d 516, 517 (1985) (holding that notices of appeal must be filed in district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

dismissed for lack of jurisdiction. On August 30, 2007, counsel for appellant filed a response to the order to show cause. In the response, counsel concedes that the notice of appeal was untimely filed. Accordingly, we conclude that we lack jurisdiction to entertain this appeal, and we

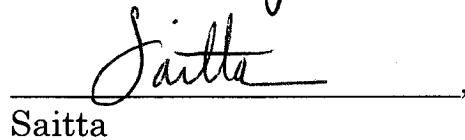
ORDER this appeal DISMISSED.

 J.

Gibbons

 J.

Cherry

 J.

Saitta

cc: Hon. William A. Maddox, District Judge
Attorney General Catherine Cortez Masto/Carson City
Carson City District Attorney
Kummer Kaempfer Bonner Renshaw & Ferrario/Carson City
Carson City Clerk