

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
ROSS KNIGHT,
Respondent.

No. 52414

FILED

OCT 22 2008

FRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

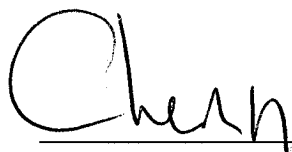
This is an appeal from an order of the district court granting respondent's motion to suppress evidence. Seventh Judicial District Court, Lincoln County; Steve L. Dobrescu, Judge.

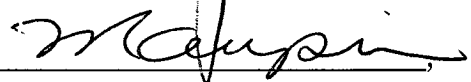
Our preliminary review of this appeal revealed a jurisdictional defect. Specifically, appellant failed to comply with the NRS 177.015(2) requirement that a second notice of appeal be filed in this court within 5 judicial days of the district court's ruling.¹ Appellant filed a notice of appeal on September 3, 2008, in the district court, but failed to file the mandatory second notice of appeal in this court. Accordingly, on September 24, 2008, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.


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

In its response, appellant concedes that, while the required second notice of appeal was not filed in this court, its ignorance of the law was the cause for the mistake. Appellant further requests that this court excuse the mistake and file its notice of appeal. The statutory requirements to invoke this court's jurisdiction cannot be excused or waived.² Because appellant failed to timely file the required notice of appeal in this court, we conclude that we lack jurisdiction to entertain this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. Steve L. Dobrescu, District Judge
Attorney General Catherine Cortez Masto/Carson City
Lincoln County District Attorney
Brown & Frehner
Lincoln County Clerk

²See Loyle, 101 Nev. at 66, 692 P.2d at 517.