

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,  
vs.  
CORY SHAWN COCA,  
Respondent.

No. 55664

**FILED**

**APR 07 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING MOTION AND DISMISSING APPEAL

This is an appeal from a district court order granting a motion to suppress evidence. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

When appealing from a district court order granting a motion to suppress, two separate notices of appeal must be filed in order to vest jurisdiction in this court. NRS 177.015(2); State v. Loyle, 101 Nev. 65, 692 P.2d 516 (1985). The first notice of appeal must be filed in the district court within two judicial days of the ruling by the district court and the second notice of appeal must be filed with this court within five judicial days of the district court's ruling. Because appellant failed to file the second notice of appeal with this court within the five-day appeal period, we entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

In response, appellant argues that NRS 177.015(2) merely requires that the notice of appeal be filed in this court within five days of the district court's ruling and the notice of appeal was transmitted from the district court and filed in this court within the five-day appeal period. Alternatively, appellant requests an extension of time to file the second

notice of appeal. Contrary to appellant's assertion, this court has previously addressed the filing requirement for the notice of appeal and determined that in order to perfect a suppression appeal an appellant must file two separate notices of appeal. Loyle, 101 Nev. 65, 692 P.2d 516. And this court may not extend the time to file a notice of appeal. NRAP 26(b)(1). Accordingly, we deny the motion for an extension of time. Further, because appellant did not timely file the second notice of appeal, we conclude we lack jurisdiction over this appeal, see Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) ("an untimely notice of appeal fails to vest jurisdiction in this court."), and we

ORDER this appeal DISMISSED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Steve L. Dobrescu, District Judge  
White Pine County District Attorney  
Law Offices of Gary D. Fairman  
White Pine County Clerk