

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
JORDAN CHRISTOPHER TRANI,
Respondent.

No. 61249

FILED

SEP 13 2012

TRACIE K. LINDEMAN
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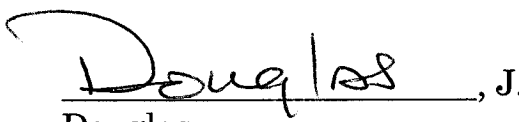
ORDER DISMISSING APPEAL


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

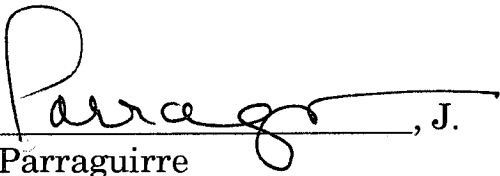
An order granting a motion to suppress is appealable pursuant to NRS 177.015(2). That statute mandates the filing of two notices of appeal: one in the district court within two judicial days after ruling by the district court and the other in this court within five judicial days of the ruling. The time for filing the notices of appeal "begin[s] when the district court first renders its ruling on the motion, and in a case where an oral ruling is rendered by the district court, the period begins on the date the ruling is orally pronounced." State v. Braidy, 104 Nev. 669, 671, 765 P.2d 187, 188 (1988). Appellant filed a notice of appeal in the district court on July 10, 2012, and in this court on July 13, 2012. Because the district court minute entries indicated that the district court orally granted the motion to suppress at the hearing on May 14, 2012, it appeared that the notices of appeal were not timely filed and we ordered appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction.

Appellant asserts that because some of the district court's comments at the hearing were in the future tense they "did not constitute a ruling from the bench, [and] the time limitation to file an appeal began to run on July 10, 2012," the date the written order granting the motion to suppress was entered. We disagree. At the hearing, the district court judge made specific findings and unambiguously stated on more than one occasion that he was granting the motion to suppress. Although the district court judge also stated that it would enter a written order and inadvertently misadvised the parties that the time to file the appeal commenced from the time the order was written and filed, these statements did not change the fact that the district court granted the motion to suppress and they cannot confer jurisdiction in this court. Because the notices of appeal were not timely filed from the time the district court orally granted the motion to suppress, we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Steve L. Dobrescu, District Judge
Attorney General/Carson City
White Pine County District Attorney
State Public Defender/Ely
White Pine County Clerk