

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

DONNIE J. FRAKES,

Respondent.

No. 35987

**FILED**

MAY 30 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

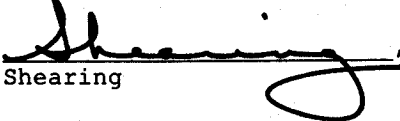
This is an appeal from an order of the district court granting respondent's motion to suppress evidence. NRS 177.015(2) authorizes such an appeal, but requires that appellant file a notice of appeal in the district court within two (2) judicial days of the district court's ruling. Additionally, appellant must file a separate notice of appeal in this court within five (5) days after the ruling by the district court. NRS 177.015(2).

Our preliminary review of this appeal revealed a potential jurisdictional defect. Specifically, appellant filed a timely notice of appeal in the district court, but a separate notice of appeal was not filed in this court. Accordingly, on May 4, 2000, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant filed a response on May 10, 2000.

In the response, appellant concedes that a timely notice of appeal was not filed in this court. We therefore

conclude that we lack jurisdiction to entertain this appeal. State v. Loyle, 101 Nev. 65, 66, 692 P.2d 516, 517 (1985) (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). Accordingly, we  
ORDER this appeal dismissed.

  
Maupin J.

  
Shearing J.

  
Becker J.

cc: Hon. Jerry V. Sullivan, District Judge  
Attorney General  
Humboldt County District Attorney  
Chester Lee Armstrong, III  
Humboldt County Clerk