

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
RICHARD DEWAYNE BROWN,
Respondent.

No. 67542

FILED

MAR 31 2015

TRACIE K. LINDAMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting respondent's motion to suppress evidence. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

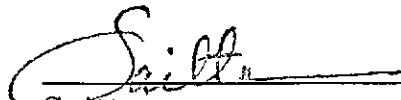
NRS 177.015(2) requires that the State file a notice of appeal in the district court within two judicial days of the district court's ruling. Additionally, the State must file a separate notice of appeal in this court within five judicial days after the ruling by the district court. NRS 177.015(2); *State v. Loyle*, 101 Nev 65, 66, 692 P.2d 516, 517 (1985); *State v. Braidy*, 104 Nev. 669, 765 P.2d 187 (1988). This court's preliminary review of this appeal revealed a jurisdictional defect. Specifically, the State filed a timely notice of appeal in the district court, but did not timely file a separate notice of appeal in this court. Therefore, this court directed the State to show cause why this appeal should not be dismissed for lack of jurisdiction.


In response to our show-cause order, the State acknowledges its error, but urges this court to revisit *Loyle* as "[t]he composition of the Court has changed," and NRS 177.015(2) "has been amended to recognize the court of appeals." While NRS 177.015(2) was amended pursuant to the creation of the court of appeals, the statutory language upon which

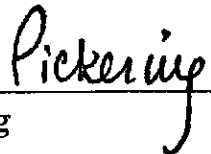
15-09635

Loyle was based has not changed. To invoke this court's jurisdiction under NRS 177.015(2), the State must file a separate notice of appeal in this court within the five-day period. We decline the State's invitation to revisit this court's holding in *Loyle*. Because the State failed to fully comply with the jurisdictional requirements of NRS 177.015(2), we conclude that we lack jurisdiction to consider this appeal and we

ORDER this appeal DISMISSED.


Saitta, J.


Gibbons, J.


Pickering, J.

cc: Hon. Janet J. Berry, District Judge
Attorney General/Carson City
Washoe County District Attorney
Washoe County Public Defender
Washoe District Court Clerk