


IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,  
vs.  
HEIDI LYNN FLEISS,  
Respondent.

No. 70433

**FILED**

DEC 15 2016

ELIZABETH A. BROWN  
CLERK OF THE SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

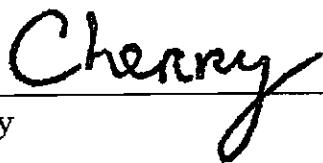
This is an appeal by the State from a district court order granting respondent's pretrial petition for a writ of habeas corpus and dismissing count 1 for lack of probable cause. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.

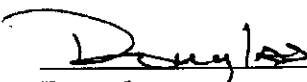
Our initial review of the documents submitted in this appeal revealed that the State's challenge to the district court order may now be moot. Accordingly, on November 16, 2016, we entered an order directing the State to show cause why this appeal should not be dismissed as moot. Specifically, we noted that the district court, contemporaneously to granting respondent's habeas petition and dismissing count 1, also granted respondent's motion to suppress evidence, which had the effect of suppressing all of the evidence relied upon by the State in support of count 1. The State failed to timely appeal from the district court's suppression ruling, *see State v. Fleiss*, Docket No. 70432 (Order Dismissing Appeal, October 3, 2016), and thus that ruling is no longer challengeable. We explained that, in light of this unchallengeable suppression order, it appears that any decision by this court as to whether probable cause existed at the preliminary hearing to bind respondent over on count 1 will not provide the State with effective relief, and thus the

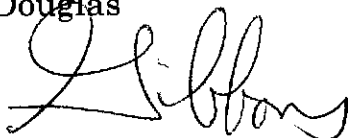
State's challenge to the order granting the habeas petition has been rendered moot. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (recognizing that events occurring after the filing of an action may render that action moot if they prevent the court from granting effective relief).

We gave the State 11 days within which to respond, cautioning that failure to respond could result in the dismissal of this appeal. To date, the State has not responded. Accordingly, we conclude that the appeal is moot, and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

cc: Fifth Judicial District Court  
Attorney General/Carson City  
Nye County District Attorney  
Mountain West Lawyers  
Nye County Clerk