IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA, Appellant, vs. JASON ANTHONY KNIGHT, Respondent.	No. 90860

ORDER OF REVERSAL AND REMAND

This is an interlocutory appeal from a district court order granting respondent Jason Anthony Knight's motion to suppress. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

Respondent Jason Anthony Knight was charged with driving under the influence of alcohol. Knight was found unconscious in a car with significant front-end damage and slurred his speech when revived by paramedics. He admitted having consumed alcohol that day and smelled of alcohol. He was taken to a hospital, where his blood was drawn pursuant to a warrant. Knight moved to suppress the blood-draw evidence because he was not given a copy of the warrant or inventory and the warrant return was not completed until 10 months later. The district court agreed and suppressed the evidence. The State filed an appeal and showed good cause for the appeal to proceed. *See* NRS 177.015(2).

The State argues that the district court should not have suppressed the evidence. In reviewing an order granting a motion to suppress, we review the district court's findings of fact for clear error and its legal determinations de novo. *State v. Sample*, 134 Nev. 169, 171, 414 P.3d 814, 817 (2018). While NRS 179.075(2)-(3) requires a law enforcement

officer executing a warrant to provide a copy of the warrant, an inventory, and a prompt return, it is well established that failure to leave a copy, provide an inventory, or make a timely return does not invalidate an otherwise sound search.[1] Wayne R. LaFave, 2 *Search & Seizure: A Treatise on the Fourth Amendment* § 4.12(b)-(c) (6th ed. 2025); 79 C.J.S. *Searches and Seizures* § 280. These violations are typically deemed ministerial, do not amount to a violation of the Fourth Amendment, and thus do not warrant suppression. *United States v. Kelly*, 14 F.3d 1169, 1173 (7th Cir. 1994) (applying analogous federal rule). Suppression in circumstances such as these requires the movant to show prejudice or reckless disregard of statutory procedures. *United States v. Beckmann*, 786 F.3d 672, 680 (8th Cir. 2015) (applying analogous federal rule); *see also United States v. Dreyer*, 804 F.3d 1266, 1278 (9th Cir. 2015) (recognizing that suppression may be merited for statutory violations "in rare circumstances"). Although the officer's failure to follow statutory mandates may have been negligent, the record does not show that the officer acted with reckless disregard. And Knight does not argue, nor does the record show, that the officer's deficient conduct caused prejudice. Insofar as both parties invoke *Alvarez v. State*, 140 Nev., Adv. Op. 79, 561 P.3d 23 (2024), that case supports the State's position. There, we observed that the deficient filing of a return is distinguishable from the illegal execution of a warrant and did not compel suppression. *Id.* at 28-29. While we nevertheless admonish law enforcement officers to comply with the statutory scheme concerning search

[1]The State argues for the first time on appeal that NRS 179.077, rather than NRS 179.075, applies. We decline to consider this argument in the first instance. *Cf. Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004).

warrants, we conclude that suppression was not warranted here. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

Herndon, C.J.

Bell, J.

Cadish, J.

cc: Hon. Egan K. Walker, District Judge
Attorney General/Carson City
Washoe County District Attorney
Fahrendorf Law Offices
Washoe District Court Clerk