FILED
11/25/2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELANDER CRAFT, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 90530

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of felony driving under the influence (DUI). Eighth Judicial District Court, Clark County; Hon. Eric Johnson, Judge.

The State charged appellant Elander Craft with one count of felony DUI after law enforcement encountered his vehicle illegally parked in a travel lane and observed signs of intoxication, leading to his failure or inability to complete field sobriety tests. On the day of trial, Craft filed a motion to suppress evidence of his blood alcohol concentration, arguing it was obtained from an invalid warrant. The district court denied the motion on two independent grounds: that the motion was untimely without a showing of good cause and on the merits. At trial, the jury found Craft guilty of the lone count. Craft now appeals the denial of his motion to suppress, challenging only the merits of the district court's order, arguing that the warrant was invalid, the good-faith exception did not apply, and such error was not harmless. Craft seeks reversal of the judgment of conviction and remand to the district court for a new trial. For the following reasons, we affirm the district court order.

"A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be

considered on appeal." *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981). A natural result of this rule "is that, when a district court provides independent alternative grounds in support of a decision later challenged on appeal, the appellant generally must successfully challenge all of those grounds in its appellate briefing to obtain a reversal." *Hung v. Berhad*, 138 Nev. 547, 549-50, 513 P.3d 1285, 1287 (Ct. App. 2022). The failure to properly challenge each independent ground leaves such grounds intact, which waives any assignment of error as to any of the alternative grounds. *Id.* at 550, 513 P.3d at 1287-88.

This principle applies here and renders Craft's arguments on appeal waived. Here, the district court expressly denied Craft's motion on two alternative and independent grounds. First the motion was untimely without showing good cause. Second, it nevertheless failed on the merits. However, Craft's opening brief only challenges the merits of the district court's decision. Hence, even if we were to agree with Craft's merit-based challenges on appeal, the district court's independent ground of untimeliness would remain intact. Accordingly, Craft's failure to challenge the finding that the motion was untimely renders his merit-based argument, and thus his entire appeal, waived.

Craft counters this point in his reply brief, contending that his motion was timely because it was jurisdictional, thus it could be brought at any time. He argues that the court's ruling on the merits was necessary to the question of whether the motion was timely filed, because if the municipal court judge lacked jurisdiction to issue the warrant in the first place, then the motion could have been filed at any time and would have been timely filed. Thus, by challenging the merits, no issue was waived because timeliness was premised on the merits. We disagree.

The district court's ruling on the merits has no impact on the question of whether the motion was timely filed. The district court determined that "[motions] have to be filed 15 days before trial," and if they are not, "the parties must provide some justification for good cause." Ultimately, it found that "[n]o good cause has been demonstrated here," and denied the motion. The district court's finding that the motion was untimely was based on Nevada Rules of Criminal Practice 8 and NRS 174.125, thus, it was not premised on or directly attached to the ruling on the merits.

Although it is true that jurisdictional motions can be raised at any time, this rule is related to a court's jurisdiction *to hear the suit*, not a court's jurisdiction to issue warrants. NRS 174.105(3) ("Lack of jurisdiction . . . shall be noticed by the court at any time during the pendency of the proceeding."); *Prescott v. State*, 85 Nev. 448, 449, 456 P.2d 450, 450 (1969) ("[The] petition did not challenge the jurisdiction of the court . . . . [it] does attack the legality of [the] arrest, and the admissibility of evidence which [was allegedly] secured by an illegal search. Those matters are to be presented by motion [before trial]."). Below, Craft was not arguing that the district court lacked jurisdiction *over the case*, but rather that the municipal court judge did not have jurisdiction *to issue the warrant in question*. Such a determination of whether or not a municipal court judge had jurisdiction to issue a search warrant would go to the validity of the warrant itself, rather than to the timeliness of the motion. *See United States v. Henderson*, 906 F.3d 1109, 1117 (9th Cir. 2018) ("[A] warrant purportedly authorizing a search beyond the jurisdiction of the issuing magistrate judge is void under the Fourth Amendment.").

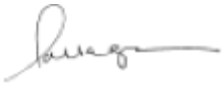
Contrary to Craft's contention, the district court did not agree that this motion was jurisdictional, instead it merely acknowledged that *if* a motion is jurisdictional, then it may be raised at any time. Thus, Craft's failure to

challenge that his motion was untimely leaves that basis for denial intact, resulting in waiver of any assignment of error as to the alternative ground for which the district court denied his motion to suppress. Therefore, we summarily affirm based on the unchallenged grounds. Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Pickering, J.



Parraguirre, J.



Bell, J.

cc: Hon. Eric Johnson, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk