

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
JOHN THOMAS KEPHART,
Respondent.

No. 72481

FILED

MAR 24 2017

ELIZABETH A. BROWN
CLERK OF THE SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER TO SHOW CAUSE

This is an appeal from a ruling of the district court granting respondent's motion to suppress. NRS 177.015(2) requires that the notice of appeal in a suppression appeal be filed in the district court within two judicial days of the ruling by the district court; a second notice of appeal must be filed in this court within five judicial days of the ruling. *See State v. Braidy*, 104 Nev. 669, 671, 765 P.2d 187, 188 (1988) ("in a case where an oral ruling is rendered by the district court, the period begins on the date the ruling is orally pronounced"); *State v. Loyle*, 101 Nev. 65, 66, 692 P.2d 516, 517 (1985) (both notices of appeal must be filed within their respective time periods as provided by NRS 177.015(2) in order to invoke this court's jurisdiction).

Our initial review of this appeal reveals a jurisdictional defect. Specifically, it appears that appellant failed to fully comply with the filing requirements for a suppression appeal under NRS 177.015(2). The district court minutes indicate that the district court orally granted the motion to suppress on February 13, 2017. The written order granting the motion to suppress was filed on February 28, 2017. A notice of appeal was filed in district court on March 1, 2017, and a separate notice of appeal was filed

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in this court on March 2, 2017, both beyond the time limits provided by NRS 177.015(2) as interpreted by this court in *Braidy*. Accordingly, appellant's counsel shall have 20 days from the date of this order to show cause why this appeal should not be dismissed for lack of jurisdiction. Respondent shall have 11 days from the filing of any response to file any reply.

It is so ORDERED.

Cherry, C.J.

cc: Attorney General/Carson City
Washoe County District Attorney
Washoe County Public Defender