

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,  
vs.  
RICARDO MONTES,  
Respondent.

No. 59888

**FILED**

**FEB 27 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angelina*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a motion to suppress evidence. First Judicial District Court, Carson City; James E. Wilson, Judge. Because it appeared that appellant failed to comply with the filing requirements for a suppression appeal under NRS 177.015(2) by failing to file a second notice of appeal in this court within the prescribed five-day period, on January 12, 2012, we entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In response, appellant has filed a notice of voluntary withdrawal of this appeal. Because appellant did not file the second notice of appeal in this court as required by NRS 177.015(2), we lack jurisdiction, see State v. Loyle, 101 Nev. 65, 66, 692 P.2d 516, 517 (1985) (both notices of appeal must be filed within the respective time periods provided by NRS

177.015(2) in order to invoke this court's jurisdiction), and we

ORDER this appeal DISMISSED.<sup>1</sup>

Cherry, J.  
Cherry

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Hon. James E. Wilson, District Judge  
Attorney General/Carson City  
Carson City District Attorney  
State Public Defender/Carson City  
Carson City Clerk  
Ricardo Montes

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<sup>1</sup>In light of this order, no action will be taken on the notice of voluntary withdrawal of this appeal.