

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

KENNETH ALLAN HINES,

Respondent.

No. 36964

**FILED**

JAN 11 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. P. [Signature]*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court granting respondent's motion to suppress evidence. NRS 177.015(2) authorizes such an appeal, but requires that appellant file a notice of appeal in the district court within two (2) judicial days of the district court's ruling. Additionally, appellant must file a separate notice of appeal in this court within five (5) days after the ruling by the district court. NRS 177.015(2); see also, State v. Loyle, 101 Nev. 65, 66, 692 P.2d 516, 517 (1985).

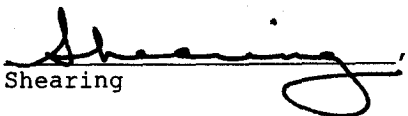
In the instant case, the district court entered its order on October 20, 2000, and appellant did not file a notice of appeal until October 25, 2000, three (3) judicial days after the entry of the district court's order. Moreover, a separate notice of appeal was not filed in this court.

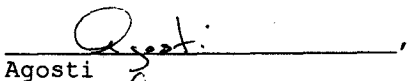
Respondent has moved to dismiss this appeal on the ground that appellant did not properly invoke the jurisdiction of this court under NRS 177.015(2). The motion is opposed. This court has previously held that "the notice of appeal must be filed with the district court clerk within two days and with the supreme court clerk within five days after a ruling by the district court." Loyle, 101 Nev. at 66, 692 P.2d at 517. We conclude that in the instant case, the appeal was not

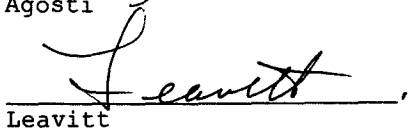
perfected in the manner commanded by the statute.

Respondent's motion is granted, and we

ORDER this appeal dismissed.

  
\_\_\_\_\_  
Shearing J.

  
\_\_\_\_\_  
Agosti J.

  
\_\_\_\_\_  
Leavitt J.

cc: Hon. Merlyn H. Hoyt, District Judge  
Attorney General  
State Public Defender  
Lincoln County District Attorney  
Lincoln County Clerk